

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, September 21, 1999, at 2:00 p.m.

**Present:**

Vincent Villella,	Supervisor
James Lull,	Councilman
Philip Cardinale,	Councilman
Mark Kwasna,	Councilman
Christopher Kent,	Councilman

**Also Present:**

Barbara Grattan,	Town Clerk
Adam Grossman, Esq.,	Town Attorney

Supervisor Villella: "Make an announcement that Cablevision must have a conflict of interest because they couldn't be here so, sorry about that. Pete, while you're standing up would you start us off with the Pledge of Allegiance, please?"

Supervisor Villella called the meeting to order at 2:00 p.m. and the Pledge of Allegiance was recited, led by Peter Danowski, Esq.

Supervisor Villella: "There are a couple proclamations we're going to be doing-- and (inaudible) start off with the census."

Councilman Lull: "One of the things about the 2000 Census is that the federal government is looking to get local government, local organizations involved if possible in the actual taking of census.

One of the things that's different about the 2000 Census is the amount of participation from local organizations and local governments that the national government is looking for. And so in keeping with that, we have a proclamation for today.

WHEREAS, the census is vital to our community in that it determines the apportionment of seats in the US House of Representatives and the State Legislature and is the basis for the allocations of billions of dollars in federal, state, county and local funds for social and other programs; and

WHEREAS, the census is also used to help determine where to

locate schools, daycare centers, citizens-- senior citizens centers, hospitals and other facilities and is used to make decisions concerning business growth and jobs; and

WHEREAS, census information is confidential and federal law prohibits any public or private agency from gaining access to individual census data; and

WHEREAS, in Riverhead we are committed to a full and accurate Census 2000 count and are placing special emphasis on enumerating members of population groups traditionally undercounted.

NOW, THEREFORE, I VINCENT G. VILLELLA, Supervisor of the Town of Riverhead, do proclaim Census Awareness Day in the Town of Riverhead and ask that the residents of the Town of Riverhead fill out the Census 2000 forms upon receiving them next year and return them to the Census Bureau.

Something which only makes sense but which if it's approached in the professional manner that the Census Committee is working on this year will make a great deal more of a satisfactory count this year."

Geri Sheridan: "We're expecting a very important person as far as census is concerned very shortly. I'm filling in for the Assistant Regional Director. My name is Geri Sheridan and I'm delighted to say some of you remember that I was here 10 years ago recruiting. I'm still here for that now with a different hat when I was representing one of the assistant bosses.

May I just share with you-- a list-- I don't like statistics. I'm sure you don't either, but I do have to share this one with you. Yeah, well (inaudible). Okay. One of the reasons we have a census-- two reasons, number one so we can get lots of federal aid back based on really accurate figures and the second one is to redistrict, both congressional and state and county legislators-- legislatures, rather.

But I want to just point out to you that one congressional district comprises 600,000 people. With all your help, I hope that we count every single one but if we miss just 1%, meaning that we're 99% accurate, that's 6,000 people. One person-- the value of one person in federal aid back to the Town of Riverhead ranges from \$3,500 to \$7,500. You multiply that by 6,000, now multiply that by 10 because these figures are going to be used for the next 10 years, and it gives you an idea of just how valuable each and every one of you can be to

the Town of Riverhead in keeping your town taxes down and in being able to sponsor even more federal programs to make your life just even more comfortable in Riverhead.

And I see that the important person that I was waiting for has come. And here she is, Stephanie Morris, from something called Partnership."

Stephanie Morris: "Good afternoon. Sorry for my lateness. I was very busy out there in the rain. Thank you for coming today. It's very important the Census 2000 for all of our communities and we want to make sure that Riverhead, all of the communities in Riverhead, are counted for the Census 2000. It's very important for our children and for our future and I'd like to present a hat to the Supervisor that has Census 2000, and I have some promotional items for the audience here and some information for you.

So please (inaudible). The Partnership division is about community outreach and education and so if you would like me or any of the other partners to come and speak to your organizations, civic groups, your churches, we'll make ourselves available to you in order to bring the word about the census and bring you also some more promotional items that we have, packets of information, that you can give out to your members, your constituents, and people that you serve.

And, please, see me, I'll give you a card and more information about the Partnership division if you would like us to come and (inaudible)."

Geri Sheridan: "Okay, now I'm back with the recruiting hat on. Okay. We need help; we definitely need help and we want it to come from you folks. Because you know the area better than we do and frankly you know the people that specialize in being invisible. Those are the ones that we absolutely have to get to as well as everyone-- as well as everyone. Okay. And I'll be at the Medford office, that is the office of the First Congressional District. My phone number is on pamphlets I put on the back table outside that has the Medford office number there. That's the recruiting number. You can reach me there also if you need to. We definitely need you. We cannot start testing until December but we need you to think about it and want to-- hopefully we'll be testing-- probably no room in Town Hall, that I'm sure, but I've already set up something for the Riverhead Department of Labor-- New York State Department of Labor in Riverhead, to make it

easy for all of you.

We would like anybody and everybody in this room to come work for us temporarily. We need your help. You know now just how important-- by the way, can I get your interest? The payscale runs from \$12.50 an hour to \$15.50 an hour. It's twice what it was 10 years ago. Now I don't have to hang my head when I tell you how much we're going to pay.

Okay, so I really do have your interest now, don't I? Is there anybody from the press here, I hope, that is hearing this pitch? Okay. Okay. That's great, I'm delighted. I know you have a very full schedule. I don't want to take any more time."

Stephanie Morris: "So, please, come out and find out information about the job. Please spread the word for us. You have to be our eyes and ears and mouths to spread the word because we can't get to everyone but through partnering with you and the community, with partnership with our leadership, we will be able to make this 2000 a very successful effort. Thank you."

Supervisor Villella: "Thank you, Steph. And this is for you, the proclamation. As you heard, the numbers are unbelievable, so if there's 6,000 people times 7,000, that adds up. So, let's get out there and find all the people and get the census. Thank you."

Councilman Kent: "We have a proclamation here.

WHEREAS, September 17, 1997 marked the 212 anniversary of the drafting of the constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 to the 23 as Constitution Week.

NOW, THEREFORE, I, VINCENT G. VILLELLA, Supervisor of the Town of Riverhead do hereby proclaim September 17 through the 23 to be Constitution Week in the Town of Riverhead and ask that the citizens of the Town of Riverhead reaffirm the ideals of the framers of the



constitution, reaffirm the ideals that the framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

In witness whereof I have set this hand, this day, Vincent G. Villella."

Unidentified: "We're very pleased that the Town Supervisor and the Town Board has recognized Constitution Week because the constitution affects every single one of us and (inaudible) under the constitution, that's why you are all here today to have your say in your town government and we appreciate you, Supervisor Villella, issuing the proclamation to draw attention to the constitution."

Supervisor Villella: "Thank you very much. Okay. We're going to approve the minutes of September 7th and the Special Town Board Meeting on September 10th. Is there a motion?"

Councilman Lull: "So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. 5 yes and the minutes are approved."

Supervisor Villella: "Barbara, could you please read the Reports?"

#### **REPORTS:**

Open Bid Reports

Fresh Pond Schoolhouse alterations, opened on 9/8/99 at 11:00. Three bids were received.

Open Bid Reports

Carriage House improvements, opened on 9/8 at 11:05, three bids were received

Open Bid Reports

1999 3/4 ton 4-wheel drive standard cab pickup, opened on 9/9/99 at 11:00. Four bids were received

Open Bid Reports

First Responder Accessories,  
opened on 9/9/99 at 11:05. Two  
bids were received

Open Bid Reports

Police/Justice Court building fire  
alarm system, opened on 9/13/99,  
at 11:00. Five bids were received

Jamesport Fire District 2000 budget

Barbara Grattan: "That concludes Reports."

Supervisor Villella: "Thank you, Barbara. Can you please read  
the Applications?"

**APPLICATIONS:**

Shows & Exhibition  
Permit

Helen's Greenhouse, September to  
October 31st from 9 a.m. to 7 p.m.  
hayrides

Barbara Grattan: "That's it."

Supervisor Villella: "Okay. Correspondence?"

**CORRESPONDENCE:**

Desiree Passantino  
Director of Act NOW!  
Inc.

Regarding the Preservation of the  
grandifolia sandhills promoting  
community awareness

John A. Black

Regarding the FEIS of Traditional  
Links

Mary Laura Lamont

Regarding the FEIS of Traditional  
Links

Eric Lamont

Regarding Traditional Links

Petition

62 residents of Church Lane by  
Crystal Drive concerning the flood-  
ing on Church lane and Crystal Dr.

Patricia Harman

Complaining of garbage service in

Calverton on 18 Laurin Road

Philip Allen

Regarding a request for drainage improvement at 532 Ostrander Ave.

Eva Rothman

Regarding complaining about the paper recycling collection on 18 19th Street, Wading River

Tim Yousik  
President of BID

Regarding the location of a safe house

Barbara Grattan: "That concludes Correspondence."

Supervisor Villella: "Thanks, Barbara. Is there any Committee reports? If not, we'll go into the public hearings."

Public Hearing opened: 2:20 p.m.

Supervisor Villella: "Let the record show that the time of 2:20 has arrived. Can you please read the public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York at 2:05 p.m. on September 21, 1999 regarding the special permit petition from the New York SMSA, LP, d/b/a Bell Atlantic Mobile for the construction of a 62 foot monopole antenna, a 240 square foot equipment shed and a backup generator on a 1,120 square foot leased area of the Baiting Hollow Boy Scout Camp, Sound Avenue, Baiting Hollow.

I also have a petition which was received on September 17 at 1:15 P.M. 218 names in opposition to the construction."

Supervisor Villella: "Okay, thank you, Barbara. The people from Bell Atlantic would like to come up?"

Alfred Amato: "Mr. Supervisor, we just want to set up some demonstrations exhibits and then I'll begin my intro. Thank you."

Supervisor Villella: "That will be fine. You could fact it a little bit more towards the audience, a little bit. Yeah, we can still see it from here. Just tilt it to us. That's good. And the other one, too, right behind you. Thank you."

Alfred Amato: "Good afternoon, Mr. Supervisor and members of the Board. My name is Alfred Amato, A-M-A-T-O, at 100 Clinton Roosevelt Blvd., Suite 501, Garden City, New York 11530. And the phone number is 227-6363.

I am appearing today on behalf of New York SMSA, Limited Partnership which does business as Bell Atlantic Mobile. I'm presenting an application for a special use permit pursuant to code Sections 108-3 and 108-216 to construct a public utility communication facility on the property owned and operated by the Suffolk County Council Boy Scouts of America.

I'll just repeat the application sections. It's 108-3 and 108-216 to construct a public utility communication facility on the property owned and operated by Suffolk County Council Boy Scouts of America, Inc., located at Camp Baiting Hollow on Sound Avenue, Baiting Hollow with section, block and lot-- district 600, section 39, block 1, lot 4.001.

The total property at the site contains 89.5 acres. The lease parcel is approximately 32 feet by 35 feet which is 1,120 square feet and is located in the southern portion of the property which is zoned Agricultural A.

At this time, I'd just like the record to reflect to revise the application to indicate that the facility will consist of the proposed monopole which will structurally be 60 feet plus or minus to the top of the structure and 62 feet to the top of the antennas. An unmanned equipment shelter which will be 12 by 20, and a concrete pad of 4 by 10 in an enclosure for a back-up generator.

The revision is specifically to include that the dimensions will be approximate, give or take two feet.

The proposed monopole is designed to be expanded to 100 feet. A 100 foot monopole would meet the town's objective of facilitating co-location and minimizing the proliferation of towers throughout the town of Riverhead. In fact, this was codified by the town in Code Section 108-211.

As you know, the Planning Board held a hearing on July 1 hearing this very application in order to develop a recommendation to this Board. The Planning Board adopted a resolution on August 5th recommending to this Board that an alternative height of 100 feet be

considered to accommodate additional future uses, minimize service gaps and minimize erection of additional towers within the tower-- within the town.

Although the application is for 60 feet with antennas at 62, we respectfully request this Board to consider the Planning Board's recommendation for a 100 foot monopole. However, in the alternative if we are granted a special use permit for 62 feet with the right to extend to 100 feet if the need arises or once the need arises, we request that we will be exempt from further application to the Town Board, to the Planning Board and the Architectural Review Board.

The basis for this request lies in Section 108-215 A 3 which specifically states that an extension of an existing monopole in order to provide for co-location can go forth without any application to the Town Board.

I'd like to just reflect on a couple parts of the Planning Board's resolution which is dated August 6th. These are among their many findings. That the antennas for the facility necessitated by the failure in service documented in this area. Second, that the proposed tower will both minimize the existing service gap and maximize the distance to residential land uses. Third, the proposed tower design meets both the design standards for towers and will withstand a wind speed of 85 miles per hour on a constant basis and the Planning Board stated that they believe that structural failure would be highly improbable and that, finally, the levels of (inaudible) emissions emitted by the facility together with additional use by other carriers are all in compliance with the Federal Communications Standards.

Bell Atlantic specifically must construct a public utility communication facility at this site in order to eliminate the service deficiency gap within its network. Placing the antennas with the tips below 62 feet will be necessary-- I'm sorry-- at 62 feet or above will be necessary to eliminate the gap in service. Below 62 feet, the service gap will not be eliminated.

I have a number of experts here today to bring forth the presentation and to answer any questions the Board might have. I'd just like to give them a brief introduction so you know what type of presentation will be coming.

First we have Dan Falasco who is an engineer and will be explaining among other things siting of the facility, structural

integrity, and the overall type of facility that's being planned. Terry Elkowitz is a visual expert, an environmental expert, and she will use computer generated photos to show what this will look like post-construction. David Weyhreter is a radio frequency engineer employed by Bell Atlantic Mobile. He will testify as to the need for this facility, the current gap, and how that will be eliminated once this facility is turned on and also the unsuitability of the town's water tank which is located at North (inaudible) Drive, which is approximately two miles from the subject site.

And finally we have Lou Cornaccha (phonetic) (inaudible) who will testify as to health effects or lack thereof.

If there's nothing further, I'd like to have marked the FCC license held by New York SMSA Limited Partnership and call up Dan Falasco."

Supervisor Villella: "Surely. Thank you."

Alfred Amato: "Thank you. Mr. Falasco, could you just state your qualifications, please?"

Dan Falasco: "My name is Daniel Falasco. I'm with the firm of Savick & Murray (phonetic). We're consulting engineers."

Barbara Grattan: "Could you spell your last name?"

Dan Falasco: "Sure. Falasco. F-A-L-A-S-C-O. I'm with the firm Savick & Murray, consulting engineers in Ronkonkoma, New York. I am a graduate of Clarkson College of Technology in 1973. Today it's known as Clarkson University. I have my degree in civil and environmental engineering. I obtained my New York State professional license in 1979 and I have been practicing engineering ever since then.

I have been representing Bell Atlantic as one client in particular on approximately 30 cases here on Long Island alone.

What I would be presenting today basically is up there on the easels for everyone to see. Closest to the Board is the aerial photography. That particular aerial photo is to a scale 1" equals 100 feet. It may be difficult for everybody to see but there are some circles drawn on there and if I may approach just to show you and then I'll come back and speak to it.

Is that okay? The aerial photo, like I said, is 1" equals 100 feet. We have put a green dot pretty much showing where the facility is going to be located. The boundaries of the camp I'm outlining now with my finger. There's a green line on an overlay, that is the approximate 89 acres that Mr. Amato mentioned earlier. Series of circles drawn on this particular drawing. Again, taking from the dot as the center, there's a 200 foot radius, a 500 foot radius, a 1,000 foot radius and a 2,000 foot radius just to give you an idea of the magnitude of the size of the property and where there are particular residences located.

As you can see from that, this particular area through here is over 2,000 feet away from the particular monopole.

As I said, the site is located here, the entrance to the camp is right in this area. We are approximately 160 feet from Sound Avenue with the monopole. The facility and the monopole like Mr. Amato said is on a little over 1,100 square foot leased area and basically that green dot takes up the whole area. We couldn't really show it on here because of the scale of the aerial photo.

The site plans that were presented, then you take a blow-up of that particular area and show specifically where it's going. This here is the entrance to the camp. This here I believe is the caretaker's cottage when you first come in. This here is their maintenance facility site. We are going just to the east of the maintenance facility site on the particular piece of property.

The monopole that's proposed, Mr. Amato expressed to you that it's a 60 foot monopole with the capabilities if the Board so desires that it can be 100 foot monopole. And basically a monopole is simply that. One pole, no guide wires, it's not a (inaudible) tower, structural steel. Probably for a 60 foot, it would probably come in two sections, even 100 foot may come in two sections, each one being about 50 feet.

Structural integrity of the pole. We will be presenting a report from engineer (inaudible) who is the manufacturer of the pole. They have all the calculations in there. It will be subject obviously to the review of your Building Department. But in a nutshell this particular-- these particular poles have been in place and were in place during Hurricane Andrew in Florida, and also in San Francisco during the earthquakes and they have withstood those type of disasters.

Mr. Amato reflected that it's designed for 85 mile an hour winds. It also is designed for gust factors of-- a gust factor of 1.69, bringing that 85 up to close to 130, 140 miles an hour. So it's a sustained 85 mile an hour wind that it's designed for.

Technically the pole is designed to deflect. If in the event that there was a severe storm or a magnitude of five, you know, 180, 190 mile an hour winds, if there was a deflection of the pole, that's exactly what would happen. It would deflect, it would bend and it would stay in place.

Failure is defined as when it doesn't come back into position. So basically that's the pole. The pole is like I said, designed to withstand hurricane forces and earthquakes and it has so established that.

This here is an unmanned facility. There are no bathrooms. There are no-- there is no need for anybody to be here on a constant basis. Traditionally a maintenance person will come to the site once every four weeks or so. They drive a-- I believe today they are driving Taureses. A single car would come into the site, take his bag of diagnostic tools, go into the facility, test and make sure everything is working properly.

It is also remotely monitored through the phone lines, so that they can at their central locations, monitor the site to make sure that everything is running properly with (inaudible).

So from the point of view the fact that it's not manned, there are no demands on any of the public facilities in the area. There is already sufficient electrical lines on Sound Avenue and telephone lines on Sound Avenue in order to operate this particular facility.

In addition to that, this is what we call a quad map from the area. It shows the terrain. Somebody will be speaking to this later but in a nutshell the pole basically is going at this point and as you can see around this there are two valleys. It is those valleys that we are trying to get coverage to. So someone else will be testifying to that but, again, this here pretty much shows what the terrain is in the area and what the contours are in the area.

I believe I touched upon everything that I need to touch upon. There will be other people like Mr. Amato said to talk about the environmental issues as well as the aesthetic issues. I wanted to



just give you a good feeling as to where the site was and what's surrounding it. Thank you."

Supervisor Villella: "Thank you."

Alfred Amato: "At this time, I'd like to have marked a reduced aerial, an engineering report prepared by Savick & Murray, US (inaudible) survey showing the location which is on the board right now, several engineering reports regarding the pole, first at 100 feet by Engineering Endeavors, the second at 60 feet by Engineering Endeavors, another report prepared by Engineering Endeavors regarding structural integrity and, finally, another report by Engineering Endeavors regarding pole longevity."

Now, Mr. Supervisor, if I may proceed, I'd like to call up Terry Elkowitz.

Mr. Supervisor, in order to assist the Board, the photos that are on the board I have in a visual impact report, copies to distribute out to the Board members so you can view it up close."

Terry Elkowitz: "Good afternoon, Mr. Supervisor, and members of the Board. As Mr. Amato said, my name is Terry Elkowitz and I'm a principal of (inaudible) consulting group. We're environmental and planning consultants."

Barbara Grattan: "Terry, before you start, could you spell your last name?"

Terry Elkowitz: "Sure. E-L-K-O-W-I-T-Z. Our firm was retained to prepare a visual analysis for Bell Atlantic Mobile for the purpose of determining whether this installation would have an adverse aesthetic effect on the environment."

Before I show you the results of this analysis, I'd like to take you through the methodology that we employed.

What we did is we and a firm called Creative Visuals who specializes in visual simulations such as those that I'm going to show you went through the neighborhood to determine what sensitive receptors may exist, sensitive receptors such as beachfront areas, residential homes, Wildwood State Park. And what we did is we looked at those areas, we looked at the plans that Bell Atlantic Mobile was proposing and we also took rides through the neighborhood.

Creative Visuals then went to the exact location of the monopole and floated three foot diameter orange balloons at the location. They floated them to represent a 60 foot monopole and also to represent a 100 foot monopole. And what they did was they took photographs, existing conditions photographs, and they took photographs from various vantage points, and I'll go through them with you in a moment, and they photographed those balloons at 60 feet and 100 feet to determine from what areas in the community the monopole would be visible.

In areas where the balloons could be seen the existing conditions photographs were not touched, they were digitalized and put into a computer. Autocad (phonetic) and various other computer programs were then used to take a scale model of the monopole, the balloons were removed from the photograph, and the monopole was then superimposed at the exact location and heights so that what you're going to see are simulations to scale. And if you bear with me, I'll just take you through some existing conditions photographs as well as the simulation.

The first viewpoint is from the end of each (inaudible). Our site is 2,178 feet to the south and if you look at this photo and you follow along with me simulations (inaudible). When the balloons were floated at 60 feet and 100 feet, you could not see the balloons. So from this area looking south of the site along the beach and from (inaudible) Road, you would not see the monopole. The second location is-- the photo was taken from approximately 165 feet from the end of Bluff Drive and our site is 3,800 feet (inaudible). You may say to me why were you so far away when you took these photos? And as you can see from the simulation, because of the density and the height of vegetation in the line of sight from some of the nearer communities, the vegetation blocks the line of sight. But when you get further away, you can sometimes see the installation better.

At 60 feet you can barely see the top of the monopole from in between the trees. At 100 feet all you can see is the very, very top of the antenna array in the distance. The third location is an existing view from Edwards Avenue and our site is approximately 3,200 feet to the northwest. At 60 feet, again you can barely see the top of the antenna and at 100 feet you can see the very top of the pole and the antenna, so it blends in with the horizon.

Viewpoint four is from one of the (inaudible) residences on Sound Avenue. It's from in front of mailbox 1857 and this is the existing

view and you can see that you have telephone poles-- standing telephone poles and wires on the horizon. At 60 feet from that location of about as I said 608 feet-- the installation-- cannot see the top of the antenna. However, at 100 feet, you can see the very top of the antenna array.

Viewpoint five was also from Sound Avenue, approximately 1,400 feet away and you could not see the balloons at 60 feet or 100 feet so, of course, there are no simulations.

The same with viewpoint six. Viewpoint six is from the intersection of Sound Avenue and Edwards Avenue and our site is approximately 2,900 feet to the northwest. You couldn't see the balloons at 60 feet or 100 feet. You can see some of the (inaudible), but in a closer line of sight-- telephone poles and wires.

Viewpoint seven is from the end of Osprey Overlook (phonetic) and the site is 1,600 feet to the southwest. Again, you couldn't see the pole and you couldn't see the (inaudible). The same with viewpoint eight, which is from 1668 Edwards Avenue. The site is 2,600 feet southwest. Viewpoint nine is another location on Sound Avenue and the site is approximately 836 feet and you couldn't see it, and viewpoint 10 was from Oak Drive and Harbor Road, our site is approximately 1,700 feet to the east and you could not see it from that vantage point.

And you'll see-- there's a map in the report which shows when we couldn't see a particular-- when we could see the monopole or the balloons actually from a particular area, we then went and concentrated to see if we saw it, you know, way far away or not and you can see from those locations that there are only three locations where you can see the monopole and two of those locations really only at 100 feet.

So based on our visual analysis, it is our conclusion that this installation will not have a significant adverse effect-- aesthetic effect on the community."

Supervisor Villella: "Thank you."

Alfred Amato: "Mr. Supervisor, if I may proceed, I'd like to present David Weyhreter. And I'm about to submit to the Board, have it marked as reference, some of the computer generated maps which David Weyhreter (inaudible)."

David Weyhreter: "Good afternoon, Mr. Chairman, and Members of the Board. My name is David Weyhreter. I'm from (inaudible) engineers for Bell Atlantic Mobile, 60 Herricks Road, Mineola, New York 11501."

Alfred Amato: "Mr. Weyhreter, could you explain to the Board some basics on how a cellular wireless system works?"

David Weyhreter: "Yes, absolutely. What I'd like to do actually is first I'll go over the fundamentals of how cellular works, give you some details about what constitutes a problem area, how we go about determining surge area and the heights of the monopoles and the structure we're going to be working with and, finally, we'll look at this particular location in Baiting Hollow (inaudible)."

Let me just approach-- yes. Basically what we have is-- a cellular network is really composed of three fundamental components. We have this here cell phone which I happen to have here on my belt. What this is is it's a low power transceiver which basically is-- both sends and receives a signal, voice and data as well. In addition to that, we have a cell site which acts as the intermediary between the individual using the phone and the switch-- the cell switch which is located here as the MSC or mobile switching center.

The cell site basically is a transceiver as well. It receives a signal from the cell phone and transmits a signal to the cell phone as well which is then demodulated by the phone.

Basically what we have is-- this is representing some of the potential applications for the cell-- what we have is EMS, we have individuals in vehicles, obviously a cell phone here and in addition these days with the advantageous pricing plans which we have a lot of people elect to use their phones in lieu of a land line simply because it is so inexpensive.

In addition what this is trying to represent here is a cellular network with cell sites represented by this (inaudible) grid pack. All right. And what basically is shown here is a cellular network and some of the potential, you know, base station sites. We have a monopole for instance, the water tank and some buildings where a base station might be located.

Now, what I'll do is I'll go through two scenarios as to how a call basically is set up and how a call is processed through the

network. First I'll discuss-- simply originate a call. If I were to turn this on assuming we had service to the building, I would hit my send key, dial the number obviously, hit the send key. What that does is that sets up a dialogue between the phone and the nearest cell site. The phone basically looks for the strongest signal, assuming that's the nearest cell site, locks onto that signal, and then a dialogue begins between the phone and the cell site. What happens is this dialogue basically sets up a voice channel coordinating with the MSC which is actually the brains of the network, the cell site is just remotely tethered to it, the (inaudible) makes the decision, okay, we have this channel available, go ahead and tune to this channel and set up a call and it (inaudible) the call whether you're going back out on the cellular network or you are going to the public network.

Now what happens is after you have this dialogue initially with the phone and the cell site, you can begin a voice. And your voice basically comes on line and you could speak.

Now the second case that I'd like to describe is if you're moving. Obviously it's a mobile phone so this is a case where you may be standing in a fixed location, talk, you end the call in the same location. Basically you remain on that site that you originated on for the duration of the call. What happens is now when you're moving it, you know, presents a different type of problem. Because obviously the cell sites are designed to cover a fixed area of a limited area. So as a result as you keep driving, as I'm sure many of you have noticed when you're driving listening to the radio, you go beyond the service area of the radio station, your call begins to degrade and you notice that at some point you won't receive any signal at all. A similar situation here. That's why we need the proliferation of cells.

What happens is basically you originate the call in the same way and you begin driving. Let's say we're going from this cell site to this cell over here. What happens is as you drive away from the site, the signal becomes weaker and weaker and weaker. And what happens is in an area where you have sufficient cell coverage you begin to cross into this-- you cross over this boundary point here and you begin to cross into the neighboring cell service area. What happens at some point, is that the MSO makes a decision based upon the signal strength that it sends to the phone-- it says okay, I have a pretty weak signal over here where I originated. I have a stronger signal here and it's getting stronger, let's basically transfer the call from this site to this site. So that's what's referred to as a hand off. Effectively,

if all goes well, you hand the call from the originating cell site to the adjacent cell site and so on and so forth. Now what this particular visual aid doesn't show is in the event that we don't have a cell, what happens? And this kind of gets us into, you know, how a service deficiency would manifest itself.

Let's say this cell was missing-- you know, this coverage area was missing. So if we were driving from Point A to Point B, what would happen is I would cross over this theoretical boundary point, the signal would be dropping off, dropping off. What would happen is there's no other cell in the area to effectively pick up the call. So what you would hear is perhaps cross talk, which I'm sure some of you who have phones have experienced in the past. You may hear some static on a call. You may prematurely terminate the call, which is referred to as a lost call or a drop call, which I'm sure quite a few people have experienced, and you may be unable to originate a call or terminate a call which means you simply can't (inaudible) somebody who has a cellular phone in that area. So basically that's what we have here. This is what this is describing.

Now coming over to the-- this particular cell we're discussing here today, what we have is a situation that is as I just discussed. We have an area in Baiting Hollow which is missing a cell site, it doesn't have sufficient coverage. As a result customers in the area would experience the kinds of problems which I just described to you. So we have-- I know that Al basically presented some of the information to you so if you look at the existing Baiting Hollow coverage map, the blue area basically is showing an area which we'll define as quality service where you shouldn't experience the types of problems where, you know, which I just described. You should be able to carry a call consistently through this area here.

Now the area where there basically is no blue, you know, coverage, indicates an area of weakness which would have to be addressed-- the only way it could be addressed is by adding a site to the location. It is not possible to power up the adjacent sites which, you know, could potentially be an option, simply because we're limited by the FCC as to the output power which any one individual site could put out. So we cannot exceed that power line so as a result there is no way to really address it without a cell site.

In addition, you'll see that the proposed Baiting Hollow coverage with the site in question shows the elimination of the service deficiency problem which is shown here in the existing Baiting Hollow

coverage map which I just described. Now, I know it was an issue on North (inaudible) Drive there is a standpipe-- a 96 foot pole standpipe which obviously there's be a question why couldn't we go there. And we looked at that in quite a bit of detail because it is an obvious question to ask if you know that would be preferable if it would work for us. We went ahead, we looked at it and basically did the drive test, we also did the coverage plot (inaudible)-- "

Alfred Amato: "Let the record reflect I submitted an affidavit showing that-- testing (inaudible)."

David Weyhreter: "Correct. And the water tank was actually tested at its full height of 100 feet and also 50 feet. In both cases, it simply didn't cover adequately to the east or actually to the west, both directions, (inaudible) relieve the problems that we were experiencing there. As a result it really is an inadequate site and the site that we currently have proposed is far superior to the standpipe."

Alfred Amato: "Actually I have a couple of questions."

Councilman Kent: "Can you speak into the microphone, please?"

Alfred Amato: "Yes. I have a couple questions of David and one of which is speculation. David is an engineer with Bell Atlantic Mobile and can't speak for other carriers. However, David, if you were asked to speculate if another carrier was to come on this pole, do you suspect that they would have to be above our 62 feet antennas or below (inaudible)?"

David Weyhreter: "Let me start by saying that I understand that we want to try to reduce the proliferation of towers and, you know, part of the application for 100 feet is, you know, with that in mind to invite the other cellular carriers to perhaps go ahead and use the facility. We don't believe that they would be interested in going below 62 feet because that brings them beneath the tree line in the area which would significantly reduce the coverage that they would see through this site. As a result it would be more probable that they would want to go above the antennas which we're proposing."

Alfred Amato: "David, and where's the tree line-- approximately what level?"

David Weyhreter: "Approximately 50 to 55 feet which is just

above the tree line."

Supervisor Villella: "I have a question. You said before it had to be within a mile and a half from the other pole that you have? You're saying that the water tower is two miles away from-- "

David Weyhreter: "Approximately two miles away, that's correct."

Supervisor Villella: "And that's out of the way?"

David Weyhreter: "Unfortunately for us it covers a large area, actually to the south is relatively flat over there. Unfortunately as you head to the west there is a little bit and I know Dan alluded to this earlier, there is a couple of valleys right where we're looking to put the site and it's not possible to cover those locations without actually being right on top of the location."

Councilman Cardinale: "I have a question in regard to the application. The publication preliminary to the hearing indicates a 62 foot monopole antenna and you had addressed that you were amending the application, I think, to 100 feet. Could you explain that?"

Alfred Amato: "No. The application is simply amended to say approximately 62 feet to the tip of the antenna, approximately 62 feet. And those are some construction issues. However, based upon the code and the intent of the code and our hearing with the Planning Board, we believe it's in the best interests of the town and the applicant to actually have 100 foot pole approved. This way, as David had mentioned, we can minimize the proliferation of towers in the town of Riverhead and also at that point we can get other carriers on the single pole."

Councilman Cardinale: "Yes, but I have some difficulty in approving 100 feet when the public notice and, therefore, the public came to address a 62 foot monopole and that's why I was asking the question."

Alfred Amato: "Well, if I may address that. The code specifically states that if you approve at 62, we want to go to 100, we do not have to go before this Board again."

Councilman Cardinale: "If it states that, that would disurb me as well. I understand what you're saying. Does that specifically



state that or does it say that if, in fact-- could you give me the section as long as we're on the subject."

Alfred Amato: "Actually I'll read it straight from the code. 108-215 A 3 - and this says-- the following uses are committed uses and shall be subject to site plan approval but shall not be subject to special use permit. Height. An existing tower may be modified or rebuilt with no additional separation to a greater height (inaudible) existing height in order to accommodate co-location."

Councilman Cardinale: "So I guess there's no limitation in your reading of that that if you approve a 62 foot, you could make a 262 feet in theory?"

Alfred Amato: "Well, no. Absolutely not. Because we still-- the way the code is written, we still have to come in front of the Planning Board and so there still would be a public forum. Just-- what we're here today is to approve the use not the actual height. However, obviously, you can approve the height so basically what's on the table today is are we allowed to be here?"

Councilman Cardinale: "Yes, I understand what you're saying. This is a relatively new statute so-- I assume that in this instance and in every instance when we approve it, we'll approve it with a height because it seems to me not to do that would be-- would make the hearing less significant."

Alfred Amato: "I agree. And one of the reasons why we have mentioned this-- I think-- is because the town of Riverhead went to great lengths to approve this new ordinance. And the single purpose of this ordinance is to minimize the proliferation of towers and the only way we can do that is by having a pole greater than 62 feet."

Councilman Cardinale: "I understand that point. Thank you."

Alfred Amato: "Thank you."

Supervisor Villella: "Do you have any other questions?"

Councilman Cardinale: "Yes. How big are the cell areas? Are they actually-- what's your typical cell area?"

David Weyhreter: "Actually it varies depending on the terrain, you know. Basically the foliage in the area, the structures that

might be in the area. This particular cell, you're looking at about a mile and a quarter of service radius. It could vary anywhere from about that up to, you know, three and a half miles. Like I said, it's dependent upon a lot of factors."

Alfred Amato: "I'm just going to ask for a-- is it your opinion that once the site is activated, Bell Atlantic or New York SMSA, Limited Partnership will eliminate the service deficiency gap in this area?"

David Weyhreter: "Yes, absolutely."

Alfred Amato: "Thank you."

Councilman Kent: "I have one question on that. Are there other deficiencies in this area? I mean, not in this particular area, but in the vicinity?"

Alfred Amato: "At this point, I'd like to submit an affidavit prepared by David Weyhreter showing the existing coverage of Bell Atlantic in the town of Riverhead."

David Weyhreter: "Yes, actually, I've prepared a similar type of plot showing what the coverage in the town of Riverhead currently looks like. I'll note for the Board that this could change in the future dependent upon potentially changing the existing cell configuration as a result of perhaps, you know, a lease running out and having to relocate a cell site. Basically what we have here-- currently we have three sites, active sites, in the town of Riverhead. We have basically the Northville search area which is an additional search area, is located at the extreme northeast corner of Riverhead and in addition to that we have the Baiting Hollow area which is here. As you can see, there is additionally some weakness along the north shore here to the east of the Baiting Hollow site which is no going to be addressed with this particular site."

Councilman Cardinale: "Did I understand you correctly that if the areas of the cells are one and a half to three and a half miles, do you need a pole in every one of those cells?"

David Weyhreter: "Actually, no. What we would do is typically we look in an area for a suitable structure. Obviously the first thing we want to look for. We don't necessarily like to build monopoles obviously for obvious reasons but in cases where we have no

other recourse we will have to address the service deficiency by building a monopole."

Councilman Cardinale: "Do you need-- you need a site in every cell though?"

David Weyhreter: "In areas where we have deficiencies we would need something, yes. Sufficiencies cannot be remedied with the current (inaudible)."

Alfred Amato: "(inaudible), Mr. Supervisor, we have our last expert (inaudible) from Scinetics."

Lou Cormacchia: "Yes. The name of my company is Scinetics Corp. That's S-C-I-N-E-T-I-C-S Corp."

Adam Grossman: "Could you repeat the spelling of your last name?"

Lou Cormacchia: "Yes. My name is Lou C-O-R-M-A-C-C-H-I-A."

Supervisor Villella: "Thank you."

Lou Cormacchia: "And I'm President of Scinetics Corp. I'm a degreed electronic engineer from Manhattan College School of Engineering. I've worked in the defense industry for (inaudible) microwave systems for about 24 years and devoted the last 10 years in analysis of cellular (inaudible) towers (inaudible)."

Alfred Amato: "Have you studied this site (inaudible)."

Lou Cormacchia: "Yes, I did."

Alfred Amato: "And have you prepared the (inaudible)?"

Lou Cormacchia: "Yes, I did."

Alfred Amato: (Inaudible)

Lou Cormacchia: "What we did essentially initially was we determined what the EMF impact would be if Bell Atlantic were approved to install a 60 foot or 62 foot tower and determined what the EMF level would be in comparison to the FCC more restrictive standard and occupational standard and in that case we were hundreds of thousands

times below those standards.

When we included the potential of three other carriers on an extended 100 foot monopole for example and assumed that all antennas would be-- with the exception of Bell Atlantic-- would be located-- co-located at 70 feet rather than 100 or 85 and 70, we created sort of a worse case analysis but just to make the point that we would be considered still well within the standards and still safe as it relates to a fully co-located monopole with four carriers total on that tower. We would still be hundreds of times below the FCC standards."

Alfred Amato: (Inaudible)

Lou Cormacchia: "Yes, I did."

Alfred Amato: "Okay. We would like to have it marked."

Supervisor Villella: "Is there any questions? Thank you."

Alfred Amato: "I'd like to make a statement for the record, Mr. Supervisor, that based upon the Telecommunication Act of 1996 and that the FCC has promulgated certain emission guidelines and since we are within those guidelines, this Board, in fact, any board, is preempted from making any decision based upon health effects.

In conclusion, Mr. Supervisor, although the application-- as I stated is for (inaudible) approximately and antennas at approximately 62 feet, we would request that this Board consider the Planning Board's recommendation to permit a monopole at 100 feet or the alternative to permit a monopole 62 feet with the right to go to 100 and to not to have to go back to the Planning Board and the Architectural Review Board and such. And we've already spoken about that-- that's already been codified.

We believe that the application meets all of Riverhead's ordinances related to wireless communications, would allow the applicant to-- FCC license requirements by eliminating service deficiency gap and finally on a (inaudible) aid public health, safety and welfare by allowing needy access to 911 emergency service network. Thank you very much, Mr. Supervisor."

Supervisor Villella: "Thank you."

Councilman Cardinale: "Could you give me one more clarification?"

Alfred Amato: "Yes."

Councilman Cardinale: "So I understand. The application before the Planning Board was for a 62 foot monopole?"

Alfred Amato: "Well, actually, the application itself has always been before the Town Board. The way the ordinance works (inaudible) by Mr. Hanley is that the Town Board referred the application over to the Planning Board for a recommendation and then it goes back to the Town Board and tonight we're here-- I'm sorry, this afternoon-- we're here to approve the actual use. After this we would go to the Architectural Review Board and also there's another Planning process which is going on right now with an outside agency which the Town has retained. So-- "

Councilman Cardinale: "I guess what I'm asking is this. I understand your point that if you were going to utilize it for additional carriers, one might argue under the language of our ordinance that that could be done without an additional hearing."

Alfred Amato: "Well, the Town Board (inaudible)-- "

Councilman Cardinale: "Right, but as of the moment, it's going to be used by you?"

Alfred Amato: "As of the moment, however, once we get the approvals it would be marketed actually by Atlantic (inaudible) which is a joint venture with Bell Atlantic who is in the business of providing co-location at the sites."

Councilman Cardinale: "So my question is as of this moment it's an application of Bell for a monopole for itself?"

Alfred Amato: "That's right. As of right now, our application is for a 60 foot monopole, antennas at 62 feet and it's not in fact for 100 feet."

Councilman Cardinale: "Right."

Alfred Amato: "However, we are beating to the lack of a better term, to the march of the Planning Board and also we'll leave you

(inaudible)."

Councilman Cardinale: "Unless you had another user, I believe, our ordinance would under the language you just quoted preclude us from approving anything but a 62 foot monopole at this moment."

Alfred Amato: "Well, you know, I think that's really open to interpretation."

Councilman Cardinale: "Okay."

Alfred Amato: "I know you're approving a use right now and if you tie that into a height, I don't know if you can give us that decision or if you reserve that for your Planning Board or your Architectural Review Board."

Councilman Cardinale: "Okay. I understand. Thank you."

Supervisor Villella: "Go ahead, Adam, you have something to say?"

Adam Grossman: "Yes. I just want to add a point on the issue of the height as it relates to this particular chapter of the zoning code. I would like to have an opportunity to review the entire chapter, that is the wireless communications chapter, to see if, in fact, the information that we have discussed today is accurate and is, in fact, the height requirement is-- that is this Board should properly be considering an application-- or the suggestion by an applicant that is beyond what, in fact, is in the application in terms of the height of a particular tower."

Alfred Amato: "I appreciate that."

Supervisor Villella: "Can I ask a question? Adam-- "

Adam Grossman: "Yes."

Supervisor Villella: "I have to ask first. If they're a non-for profit-- the Boy Scout camp, and they're making profit with other carriers on there, does that change the tax base? Does it make it taxable, the property or something?"

Adam Grossman: "I think it potentially could. It's another issue that I would like to look into."

Councilman Cardinale: "Is there a representative of the owner here other than the applicant?"

Alfred Amato: "Actually, we have the camp director here."

Councilman Cardinale: "Maybe we could pose that question of him."

Alfred Amato: "Actually, if I could put one more thing on the record. I'd just like to submit an owner's endorsement which has been submitted to date, this endorsement (inaudible)."

Councilman Cardinale: "Thank you. I just had-- the question that was raised was this is held, this property, by the Boy Scouts, therefore, it's a not-for-profit organization. I don't believe there's real estate taxes. Is that correct?"

Alfred Amato: "That's correct."

Councilman Cardinale: "In view of the fact that this would be utilizing a portion of the property for income purposes, does-- is it your understanding that that would impact upon your tax status in regard to real estate tax exemption?"

Kent D'Apice: "It may or may not. The law is fairly specific in this regard. In my own experience there are cases where considering the overall financial status of the non-profit corporation, where such income would not produce a profit in the overall budget of its operations, then the tax exemption would apply. On the other hand, there are incidences where portions of income particularly in a revenue generating situation where taxes or payments in lieu of taxes are either negotiated or put in place. This does occur in both directions depending on the very specifics and the financial condition of the local corporation and the code of the particular municipalities."

Councilman Cardinale: "Is the proposed lease a part of the application? The proposed lease with Bell, is that a part of the Town file?"

Alfred Amato: "Has it been submitted?"

Councilman Cardinale: "Yes."

Alfred Amato: "I'll tell you, one second. I do not believe it is."

Councilman Cardinale: "All right. The reason I was asking because that would have an impact if the analysis as indicated would have an impact on that decision. I would request that it be made part of the application."

Alfred Amato: "I will submit it but I think we would have to (inaudible) the lease payments (inaudible)."

Councilman Cardinale: "That's the other thing I was interested in, actually. Okay. I understand your point. Thank you."

Supervisor Villella: "Are there any-- did you hear any local opposition to the Boy Scouts-- the local Boy Scouts?"

(Some inaudible discussion was held among the Board members.)

Councilman Kent: "Does anybody else want to speak on this public hearing?"

Supervisor Villella: "All right. Yes, you can just start coming up, you know, one right after the other. We're going to try and limit you to the five minutes. That was the presentation from Bell Atlantic so that's why it took so long and everything, so, but you have five minutes each person or you want to divert the time to one another, it's up to you."

Efran Horowitz: "Well, I will probably take approximately five minutes with my prepared remarks, however, just in light of the recent presentation by Bell Atlantic, I would like to take an additional 30 seconds or so just to make a quick comment. I don't believe the speakers that follow me will be quite as verbose as I'm likely to be."

First my name is Efran Horowitz. I'm a resident of Baiting Hollow. Before we begin though I would like to give-- I believe the correct procedure is to hand this to Barbara-- "

Supervisor Villella: "Correct."

Efran Horowitz: "The first thing I'd like to say is that the community has had no opportunity to challenge any of the presentation"



made by Bell Atlantic with our own experts. What you've heard so far is one-sided expert testimony that is that as laymen we can't rebut effectively. We have no way of determining what they've just told the Board is completely true or it's just the best slant on the facts they want you to hear. An example would be the photo demonstration that you've just seen. Those photos are not representative of the Baiting Hollow area and yet once you look at them and you look at the computerated analysis on top of it everything looks great. But let's be honest. Those things were taken in the summer, not in fall or winter and yet they're talking about how the trees are going to obscure the tower. There are many other comments that I could make about that-- "

(Applause from the audience.)

Supervisor Villella: "Okay, wait, wait. We've got a long day ahead of us."

Efran Horowitz: "I'd rather just go to my prepared remarks because I think that's enough of a point on that issue."

I'd like to thank the Town Board for this opportunity to address you. As I said, my name is Efran Horowitz. My wife and I have been living in Baiting Hollow for the past eight years but my association with Baiting Hollow goes back nearly 30 years when I was once a Scout at the camp. I know this area extremely well and come today to speak on the many reasons why Bell Atlantic should be denied this permit.

For those of you who may not be as familiar with the place as I am, Baiting Hollow is one of the crown jewels of Long Island. It features a fresh water ecosystem, a salt water marsh, a bird sanctuary, ancient coastal forest, sites of historical significance. It lays beside a pristine stretch of Long Island Sound and it is virtually contiguous to Wildwood State Park.

The very name (inaudible) is historical. (Inaudible) is an archaic English word meaning to water and feed livestock. Farmers on their way back and forth to the city of New York as well as to the whaling towns of Sag Harbor and Greenport would stop there and, in fact, Sound Avenue itself is already a designated historic corridor in recognition of its special status.

Because of this, the people who know it well are passionate about defending it for future generations as a living monument to the

concept that Abraham Lincoln first introduced. They like to see people proud of the place in which they live. And the people of Baiting Hollow are indeed very proud of the place they live.

First though, I'd like to say that the community has had little time to mobilize our opposition. We haven't had time to engage a lawyer to review the proposal and we're, therefore, immediately at an unfair disadvantage to Bell Atlantic. What we have done in 10 days though is remarkable. In a period that included the Jewish high holy days and a hurricane we still managed to circulate a petition and gather 218 signatures, receive support in opposing the tower from the Long Island Pine Barrens Society, the North Fork Environmental Council, the Calverton Civic Association, the Long Island Regional Planning Board, and the Suffolk County Historical Society and we've managed to enlist a goodly number of speakers.

If this meeting were held on a weekday evening, we may have been able to muster 20 to 30 speakers even within this short 10 day period. The community has asked me to request that this meeting be kept open and no immediate vote taken on the application until we can engage expert advice and present their findings to the Town Board.

We're very concerned that Bell Atlantic is trying to ram this through without the people of Baiting Hollow and the town of Riverhead being sufficiently heard on this issue.

I'd like to raise a number of points that are in and of themselves sufficient grounds to deny the special permit.

First, the tower is designed to withstand wind speeds of only 85 miles an hour regardless of the presentation that we have just heard. That wind speed could easily have been exceeded just last week with Hurricane Floyd. Certainly, somewhere in the near future there's a certainty that this tower will fail. They propose to build this tower in an area that's known locally for great wind turbulence as was demonstrated just last week with the hurricane.

The geographic shape of the area is a giant "W" with the open end to the northeast. Wind surges and buffets and unpredictable ways as any resident of the area can tell you. We believe that additional expert testimony is needed on this issue alone because it's a threat to human life if the tower fails.

Strangely enough Baiting Hollow is an actual hollow. It's a

valley with steeply sloping sides. A hollow is also an acoustic resonating chamber that causes sound to carry an echo. Voices for instance can easily carry through the hollow in distances of half a mile or more.

We've learned that these towers have a distinct and constant hum and low level vibration. Local homeowners have walked around similar towers in preparation for this meeting and their findings is that once this tower is built, a constant hum will permeate permanently through the entire pristine area. The noise of this tower should be measured by experts and testimony given about the wisdom of putting a noise generating machine on top of a resonating chamber.

We propose that Eric (inaudible) the region's leading sound expert who has written many of the sound and noise codes for localities including the city of New York, be engaged to study this issue before any further action on the special permit is taken.

Third, the permit requests permission to build a tower on a site identified to us only by a tax map number. We've received no specific information about where it's to be sited. The site itself covers 85 acres of land, all of which are environmentally or historically sensitive areas. The application and the papers made available to us don't state the actual location nor its impact on the environment and/or historically significant areas.

These are grounds to deny the application-- I'm sorry-- its impact on the environment and historically significant sites and, therefore, we've been denied the chance to comment specifically on their choice of tower placement. We believe these are grounds to deny the application by itself.

Fourth, a 100 foot tower on top of a 100 foot bluff will be visible from as far away as Connecticut. It will literally dominate the landscape and will be seen from the surrounding community, the state park, the beach and from the Scout camp itself. It will become the major defining characteristic of the entire area. Visual pollution alone as precedent by itself is (inaudible) ground for denying this application.

In conclusion, I'd like to say two very important points. We're not opposed to towers in general. We're opposed to this project here. We urge Bell Atlantic to withdraw this application and to examine all of the alternatives sitings and we'd also like experts to challenge

their concept that you've heard today because we believe that there must be a site that represents an infinitely better choice than the one they've come up with.

Secondly, we're not deaf to the need for the Boy Scouts to raise money for the camp and for their activities. I and many others are willing to make immediate donations and yearly pledges. If the community can organize to oppose this tower we can also organize to help support the camp and will do so gladly. Our gesture is both heartfelt and sincere and we hope accepted.

We'd like to point out that the \$20,000 they're going to receive from the Bell Atlantic lease is also achievable at 200 pledges of \$100 a year and comes with it the love and support from the community as opposed to this method of fundraising which has inflamed popular sentiment against them, including by the way their own rank and file membership who we are also actively polling. But it should have been anticipated by the leadership. No parent wants their child playing near transmission towers.

The last thing I'd like to mention is that this is not the opposition to the tower proposal you see here today. This is the beginning of opposition to the tower proposal. The tower will be (inaudible) the application stage, if approved at the planning stage, at the construction stage and if actually built, every effort will be expended to have it taken down. Bell Atlantic should immediately withdraw their application. It's the wrong project and the wrong place. Thank you very much."

Supervisor Villella: "Joe."

Joe Van deWettering: "Good afternoon. I'm Joe Van deWettering. Four years ago, I moved to Baiting Hollow. There were no power lines to be seen, no telephone lines to be seen, no cable and TV lines. I could have bought the house I now own in some other place in your town at half the price. My taxes also reflect the value that the town places on my property. I'm not complaining. It's worth it.

I look out on the wetlands, seeing the swans claiming ownership of their pond and chasing Canadian geese. The ospreys are busy fishing and most of the terns in the area on the beach have left the nesting area for warmer climate to return to their sanctuary in the spring.

It's quiet outside. The hefty sounds of young voices at our neighbor's place, the Boy Scout camp, disappear after the first week of August. The (inaudible) did them in this year. I like my neighbor. I know it's not-for-profit. I know. I pay (inaudible) and as a taxpayer I subsidize him. I'm not complaining. It's worth it.

So what's this? They are considering taking their beautiful property in pristine condition, located on historical Sound Avenue corridor and they want to desecrate it with a cell phone antenna pole. Could this be my good neighbor? Are they in such financial straits that they are willing to forego the tax exempt status and want to be a for-profit organization? Is this special permit step one of other activities they are contemplating? Will this permit set a precedent for future permits and zoning changes?

We are talking about a unique site in a designated historical area off the tax roll. The place that gave our hamlet its name. This is where farmers from Montauk used to herd their cows in the 19th century to the hollow to be (inaudible). To drink the spring fed waters of Fresh Pond on their trek to the market in Brooklyn.

Are there no better locations available? Must we put up with visual pollution? These towers are ugly and unsightly and noisy. They destroy our scenic view. They cause damage to our pristine wildlife area. What's wrong with placement of these antennas on other existing tall structures? I know the town water tower has been discussed but there are other places. How about placing these antennas away from our population? Reducing any health concerns associated with these (inaudible).

For instance can we place them in the pine barrens? Possibly in the pine barrens portion of the Grumman Calverton facility that the town owns. There's a health and safety issue, you know. And the greatest amount of danger at these particular frequency-- frequencies UHF, is at 100 feet to 800 feet distance. If you are talking about a 62 foot tower and you could have (inaudible) out to 800 feet, you're talking about an area that's 50 acres. So out of 86 acres the Boy Scouts are giving up almost 60%, 50 acres? I don't think they are. I think they haven't considered the affect that this will have on their own scouts. I don't believe the parents of these scouts would be thrilled to find out what you have in store for them.

It's for this health reason that community hospitals and schools-- financially unstable institutions refuse to accept these towers on

their property. Do you think it's all right for the Boy Scouts? By the way there's also a far field exposure beyond 800 feet. This is akin to secondary smoke.

Anyway, I'm opposed together with the 218 other people whose signatures we have collected in a very short time. I'm concerned about the health and safety issues and the eyesore effect of it. Cancer fears and aesthetics effects cause a town to lose its reputation as a safe and beautiful community and to lose tourist revenue. This should not happen to Riverhead.

I also am willing to pledge a donation on a yearly basis to the Boy Scout camp. And as far as some of the topics that were discussed before I have three comments. (Inaudible) simulations of the visual stuff with balloons. I can't see my neighbor today looking out my window. But come winter I see every neighbor on my block that's in line of sight.

In lots of places maybe unknown to Bell it's illegal to use a cell phone in a moving vehicle. And, finally, as far as FCC guidelines are concerned, they are very lax. As a matter of fact, they are so lax that the FCC is in the process of starting a review of what the guidelines are. Thank you."

Supervisor Villella: "Thanks, Joe. Okay, yes."

Mrs. Fuss: "Good afternoon. My name is Mrs. Fuss and I'm a resident of this area. And I am strongly opposed to this proposed tower. Just a few reasons why. This Baiting Hollow site is an area we share with much varied wildlife including many species of (inaudible) birds. This proposed location is an environmentally sensitive area and we must protect it.

New York State has recognized the historical importance of Sound Avenue by bestowing upon it the designation of an historical corridor. The proposed tower would change the flavor of the entire area. The (inaudible) of the tower for a pristine skyline would do nothing but negatively impact our environment and the required light would be a continuing eyesore even after dark.

Add to that that this tower would emit electromagnetic radiation into a residential neighborhood and Boy Scout camp makes this proposition intolerable. The tower's not even necessary. It will not add one iota to the community (inaudible). No one will suffer if they

can't use a mobile phone. However, many residents will suffer and be reminded daily by a huge monument to corporate greed. The citizens of the community cannot be expected to suffer the negative effects of cellular towers so that a minority can enjoy a luxury product. We, as a community, must and will endeavor to preserve the natural beauty of this Baiting Hollow site. Thank you."

Supervisor Villella: "Thank you. Dick."

Richard Amper: "My name is Richard Amper. I would like to correct an observation made by Mr. Horowitz in the initial presentation. Long Island Pine Barrens Society did not take the position relative to this application. I'm here as a friend of this community for several reasons. First and most important of which is that this Town Board needs to consider public input and (inaudible) an educated public input at that.

We encountered very much the same problem with another major application-- we're all terribly concerned that businesses and those with the financial resources to hire the experts and make expert presentations to you will, in fact, dim the voice and the concern and the information that they can provide so we ask that you give the community an opportunity to seek its own expert advice and make sure that you're thoroughly informed on both sides of this issue as we do on all issues and will undoubtedly again tomorrow night.

The second thing that I want to talk to is an observation made both by the applicant and by Councilman Cardinale. What I've learned is that we need to build these sites apparently one every mile and a half to three miles, and heard that this is supposed to be an effort not to see proliferation of these towers but I think it's worth your determining from the applicant and from those of his competitors, precisely how many of these things are going to be in Riverhead and how many are avoided by putting this one in Baiting Hollow. That's an issue not addressed. And one we ought to get sorted out right now. How many of these are going to be there and how many of them are going to be in the pine barrens? You might find that out at the same time. It's not a bad suggestion.

The third thing that I want to talk to is the function here of the Suffolk Council of Boy Scouts of America. The scouts on Long Island are going to have to find some other way to raise money than to be in the real estate development business. We had this problem in front of this Board with the Nassau County Council trying to sell

hundreds of acres off in the core area of the pine barrens to raise money and I would urge the citizens not to pledge donations with the scouts but to urge their friends to withdraw donations to the scouts until the scouts become better neighbors and behave in a way that is appropriate to the people they serve. The scouts have set out their own agenda to make money any way they darn well want to either not-profit or for profit, whether it involves real estate development, and they don't talk to the community about it when they do.

So my suggestion is, don't promise to substitute for the dollars and cents that Bell Atlantic will pay the scouts. Tell your friends that already support the scouts to make it clear to the Boy Scouts that we're not going to support them if they behave as poor citizens. That's the second point that I wanted to-- the third point that I wanted to make.

And I want to conclude just with one other observation and that is my good friend, Sid Frank (phonetic) is here on another application but it does involve this business of is this zoned for this purpose? Should this land be used for this purpose or are we just going to let anybody do whatever they want in the town? We can't have a pattern of that and I hope you'll resist that. Thank you."

Supervisor Villella: "Okay, go ahead, Jim."

Councilman Lull: "Dick, in your-- the part of your address about the scouts. In talking to this Board, you're preaching to the choir. You know that we oppose the amalgamation of the Nassau and Suffolk County Boy Scout Council. We did pass a resolution. Although it had no legal force, we did oppose that. We have also been very strong in attempting to work out or begin the process whereby certain steps can be taken, maybe purchase of development rights or something along those lines, to help fund Camp Baiting Hollow. We are interested in what the Suffolk County Council does here. Not in what they do any place else. And we would like very much to see that. And we have also had questions about this particular issue. Councilman Cardinale raised the issue of the payment and does that, in fact, endanger the tax free status. We also have talked about the fact of when that money comes in, is the Boy Scout Council going to be willing to pledge that money to be spent here at this camp, Camp Baiting Hollow, not someplace else."

Richard Amper: "Councilman Lull, I think you've been very, very supportive of the scouts and let me put that on record. Indeed--



again, I'm not talking about the Boy Scouts of American to be (inaudible), but the Nassau County Council came into your town of Riverhead and started messing with your real estate development and land use concerns in a very destructive way. It took the combined efforts of this town working very, very hard with the environmental community to see that the development rights were secure, that the State of New York compensated the Boy Scouts for the land they were not using and by the way it's still available to them to use so it wasn't lost. But the fact of the matter is we need to send a message to the scouts that we care about scouting, we care about the principles and the functions of scouting, but some of the leaders of scouting are setting a very bad example by looking at fiduciary and proprietary deals with big business at the expense of scouting itself.

We have to find a way to support the kids but not to encourage this kind of behavior among our leaders. That's all."

Supervisor Villella: "Thank you. Chuck?"

Charles Bowman: "Good afternoon. Charles Bowman, President of Land Use Ecological Services and also a resident of Oak Hills. In fact, my house is within that little 2,000 foot radius and I bought my house quite a few years ago because of Camp Baiting Hollow. I came to know it when I worked for the State Conservation Department and we were called to help the Boy Scouts with their financial problems and acquire all the wetland areas.

As you've heard, it's a beautiful area. That's why I live there. The wildlife are spectacular, the beach front is spectacular. I work on projects similar to this as you well know. I have a great respect for Terry Elkowitz who's probably one of the most honest consultants on Long Island. I have a degree of concern when it comes to the height. I know the height of the trees that are in there now, the 62 foot height certainly seem reasonable and I certainly believe that even in the winter time you probably wouldn't be able to see it from the vista that I'm most concerned with and that is from the woodlands along the slope. You've heard about the valleys. From the beach area, if you look back towards the camp right now, you'd see what Long Island looked like, you know, 500 years ago. It's a beautiful vista. I think we all live there because of that vista and we'd all like to maintain that vista.

I think that concern is justified. That perhaps in order to satisfy the neighbors, you know, another balloon could be raised when

the foliage is off and see what the effect is at 62 and 100 feet. Because we want to make sure that there isn't a mistake here, you know, where we end up with a 62 foot tower or 100 foot tower that is going to forever destroy that vista.

I think you have seen a lot of the opposition. I think a lot of that opposition was based upon information that was not available at least to me and I got one of the registered letters, you know, until I came here and actually saw the work that had been done, I did not know a lot about it. And I was going to speak in total opposition of it.

But I think that the data is well put together and, again, I know the people who have put it together and I certainly trust Terry when it comes to the analysis but I certainly would like to see and I would hope the Board asks that that analysis also include the visual impacts when the leaves are off the trees.

Mr. Cardinale, I certainly am wholly supportive of your question on whether this changes the taxable status. The camp is in need of repair. I know the Boy Scouts' financial need. Again, that was the reason why the State purchased the wetlands. In some way, both the visual impacts can be eliminated and we can make sure that some good is done with it to the camp to help preserve what we love there, I think all the better and I would hope that the Board would think about it. Thank you so much."

Supervisor Villella: "Thank you, Chuck."

Dr. Tracy Pine: "Hello and good afternoon. I am Dr. Tracy Pine. I'm a medical doctor in private practice and also a Baiting Hollow homeowner. I'm here today to speak about my concerns about the proposed microwave tower.

The reason I became involved in this issue as a member of the local community and Silver Beach Block Association (phonetic) which is united in opposition to placement of this tower at Camp Baiting Hollow. However, during the limited time I have had to research these issues, I have become increasingly concerned about the environmental impact as well as the potential for health problems associated with microwave transmissions.

I first discovered the unique beauty of the Wildwood State Park Ecosystem 20 years ago as I explored the area while I started first biology, then medicine, at SUNY Stony Brook. Needless to say, the

preservation of such an unusual and valuable natural treasure is only more critical today. Camp Baiting Hollow and Wildwood State Park are home to a remarkably diverse number of plant and animal species and it's an important breeding site of the endangered piping plover.

A cellular tower would have negative aesthetic impact on the area. Where it can be seen, it will be an eyesore. Any noise or light associated with the project will pollute the pristine environment greatly. The height of the tower may disrupt the migratory patterns of local birds and the impact would be felt by all who live in or visit this area.

Additionally, this proposal raises significant health and safety concerns, although the Telecommunications Act of 1996 says that the siting of cellular towers cannot be denied solely on the basis of radio frequency emission levels (inaudible) facilities that are in compliance with FCC standards. We all know the FCC is not a public health agency and these very standards are due to be revised in 2002.

On the local level, we cannot ignore health and safety concerns. Cell site antennas emit radio frequency energy which operate at ultra high frequencies in a microwave band. These frequencies are absorbed by human tissue and although they operate at low power settings per channel, these channels can be split as user demand increases and there can be hundreds of channels on some towers.

Current research shows that the type of weak electro-magnetic fields that cell site antennas emit can cause changes in living things or biological (inaudible). Since the 1950's there have been over 15,000 reports that showed deep fundamental changes in biological systems with exposure to EMF of various frequencies.

Although there is limited relevant data, there are disturbing reports that should not be ignored especially concerning health risks to children. Dr. David Carpenter, Dean of the School of Public Health, State University of New York, New York City-- New York State Department of Health, believes the association between residential exposure to electro-magnetic field and childhood cancer is strong and he believes that 30% of all childhood cancers are associated with EMF exposure.

Many other reports show similar disturbing association and while the jury may still be out on health effects of microwave towers we must proceed with caution until more conclusive evidence is in.

Current FCC standards may be shown not to provide adequate protection to residents.

In conclusion, building a microwave tower at Camp Baiting Hollow is not in the best interests of the town of Riverhead. It is not an appropriate site because of the potential environmental impact. Health concerns, especially for children, as well as noise and visual pollution would diminish the quality of life for residents and visitors. Thank you."

Supervisor Villella: "Okay, thank you."

Patricia Van deWettering: "Good afternoon. My name is Patricia Van deWettering. I live in Baiting Hollow and I have personal reasons for being concerned with the health hazards. We previously lived in Huntington Station for over 30 years and we have a daughter that has a rare form of incurable cancer. Within less than a mile, we personally know of five cases of people with rare cancer, four of whom are my daughter's age. I can't help but feel that there's something in the environment. I can't prove anything. All I know is that we do have a daughter with incurable cancer. My point is unless we can-- it can be proved without doubt that there are no health hazards, an antenna should definitely not be located in a Boy Scout camp. The Boy Scouts are here to enjoy what wilderness we have. Please let's keep it that way."

Supervisor Villella: "Thank you."

Robin Harrington: "My name is Robin Harrington and I live in Baiting Hollow. We decided to build a home in Baiting Hollow about three years ago, largely because we thought the area would continue to be as beautiful as it was when we (inaudible). We had no reason to think that there would be ever such a travesty in the ecology and the environment around us. I am opposed to Baiting Hollow camp tower. Thank you."

Supervisor Villella: "Thank you."

Jim Garfield: "My name is Jim Garfield. I live in Baiting Hollow. When we built our house in Baiting Hollow, we thought that we had neighbors that would stay the same as long as we lived there. The DEC land, the Boy Scout camp, the bird sanctuary. We thought we could build here and we wouldn't have to worry about smokestacks and radio towers and strip malls going in our area. But now we see that this

isn't true. We want to have industrial development happening in this area. We pay a higher tax to live in this pristine area. I'm not complaining. I think it's worth it to live there. But if this kind of development is going to be allowed in our area, then we need to have a tax deduction. We need to have our taxes brought down to the same level as the people that live next to the industrial park and live next to the smokestack. There's a reason that we live where we live. There's a reason we bought the property in that area and this is going to contradict that reason horribly. I think that this needs to be opposed as strongly as possible. It is not a good neighbor. Thank you."

Fran Rosenthal: "Good afternoon. My name is Fran Rosenthal. I'm also a resident of Baiting Hollow. I'd like to state that I feel to my knowledge the cellular studies in the United States, that radiation-- cellular frequency, do not cause cancer, have all been paid for by the cellular industry. There are more and more studies coming out of Europe and now the United States that show higher rates of brain cancer among cellular users."

According to the Telecommunications Act of 1996, it allows you to choose where the towers are to be placed. You as our Town Board have the responsibility and the power to decide where these towers are placed in our town. Since these transmitters are on 24 hours a day, seven days a week, this proposed tower would be erected in a bad location because of the proximity to all of the families, especially those with children that reside in homes surrounding the parcel. We have no means to avoid whatever the proposed tower emits and we would be forced to live in fear of not knowing is it safe or not safe.

They speak about giving us the cellular frequency. We in the hollow don't want it. Why give us something we don't want?

Now if it is so safe, as concerned residents, will they guarantee us the safety of the tower? Will they foot the bill for medical for any and all residents that develop illnesses and disease as a result of this facility? Will they guarantee our property values and will they purchase our homes and property at fair market value if such property becomes devalued or unsellable as a result of this tower? I'd like to know that. Thank you."

Avery Gibson: "I'm Avery Gibson. I'm the former president of the Oak Hills Association and I'm bringing a letter from the current president. Neither I nor he nor most of my neighbors received this

notification about this hearing through registered letters. We are more-- we're few more than 500 feet away from the tower. Most of the residents of Oak Hills which is the community on the other side of the lake did not receive notification.

This letter is from Chris Larsen (phonetic), President of the Oak Hills Propertyowners Association.

Gentlemen: The Oak Hills development consists of 80 privately owned parcels which are mostly developed and pay their appropriate taxes and a network of roads that are owned and maintained by an incorporated association. We've been here for 50 years and during that time asked very little from the town of Riverhead or our neighbors. We pay our taxes, participate in local elections, send our children to Riverhead school. We collectively contribute far more to Riverhead than we cost in services.

We're here to stay and we love this area and we have an economic and emotional investment here. We all agree that change is the only thing assured in life. The pace of change in our town has been accelerating for the past several years and as a community we've come to accept it. We all benefit from change when it brings economic advantages (inaudible) resources. Change is the tradeoff we accept for better business and improved local commerce.

The purpose of zoning laws are to moderate and balance in tradeoff this for the greater good of the community. We would like to answer a simple question. Who benefits from the proposed changes to our community which are being decided here? The Boy Scouts have proposed a severe change to their property from unspoiled forest to a 65 foot microwave transmission tower and associated support buildings including the generator. While this tower would be at the least unsightly, this change we feel sets a precedent for other absentee landowners to exploit their land at the expense of the local community.

Please weigh these facts in making your decision and act for the greater good of the community not the self-interest of people you've never met and who have no investment in the town.

Respectfully, Chris Larsen, President, Oak Hills Property Association.

And I wonder from my own point of view why they haven't looked at

perhaps the property where-- up on Fresh Pond Road and Sound Avenue, where the water installation currently is. It would seem to have all of the aspects of pushing down into that hollow and none of the detriments of ruining this special area (inaudible). Thank you very much."

Supervisor Villella: "Thank you. Ann?"

Ann Miloski: "My name is Ann Miloski, Secretary of the Calverton Civic Association. Supervisor Villella and Councilmen. We are opposed to a cellular tower going up in our community especially one where children are. Specifically the Boy Scout camp at Baiting Hollow. As long as there is any health or safety concerns associated with cell towers, we should not allow one to be put where children and residents are at risk. These cell towers are comparatively new and enough studies about the effect of magnetic and microwave radiation and those emitted by cellular phones tell us that indeed long term can they can weaken immune system, biological system, and cause other forms of cancer such as leukemia and brain tumors.

As long as there are pros and cons to these scientific studies we should definitely not allow a cellular tower at this site. Alternative sites should be studied away from residential areas and where people congregate. Thank you.

There's one question I would like to ask is how many antennas can come off of one of these poles?"

Supervisor Villella: "Can someone from Bell Atlantic answer that?"

David Weyhreter: "Typically we would look at four antennas per center for us, for Bell Atlantic Mobile, for a total of 12 antennas. Other carriers might have, you know, need for fewer antennas per center. I can't say specifically what they would require."

Ann Miloski: "Well, as long as all these antennas could be added onto these towers wherever the sites are, I think that in our code we should have it notarized and stated how many antennas go on each of these poles or allowed on each of these poles. Thank you."

Ann Schuessler: "My name is Ann Schuessler. I'm a resident of Baiting Hollow. I'm opposed to the tower for all the health reasons that you've heard, for all the visual detriment that is going to be to

the area but for me, personally, I'm also opposed to the noise. We moved here from a beautiful home a year ago in Mt. Sinai. We pay double the taxes that we paid at our old house. And knowing full well that taxes were going to be high here, but we were going to pay them. We came because in our old house every year more and more cars came down the road and we really don't-- we really like quiet. So we found this place and it is a gorgeous, gorgeous place. It's very, very quiet, except for the few months-- few weeks out of the year that the Boy Scouts have their camp and then it's happy noise. We hear the kids fooling around, we hear them with their games at night. You can on some days hear the exact words, sentences, that are being said across the whole entire wetlands, just because of the way that hollow-- the way the noise is in that hollow.

If this tower goes up and there's a generator there, we will hear noise and we will hear a lot of noise. Also I've read that the towers themselves, just the wind reacting with the tower itself, can generate noise. So this has me very upset.

Also, the other thing is the tax exempt status of the Boy Scout camp. You can't-- none of us could hold property for 75 years tax free and then just decide that now we're going to develop it. To me, that's just wrong. It's wrong to me that the Boy Scouts are supposed to be (inaudible) of, you know, forming character, forming balance in our children. My son went to that Boy Scout camp. This to me is not teaching them how we take care of our environment. It's not teaching them that they have to take care of the community that they belong to. We are their neighbors, they are our neighbors. So that's all I have to say. Thank you."

Supervisor Villella: "Thank you. Greg?"

Greg Demarest: "Good afternoon. I'm Greg Demarest, Riverhead resident. I was just wondering a 100 foot tower-- "

Supervisor Villella: "Greg Demarest."

Greg Demarest: "Do you need a light on the top of that-- "

Supervisor Villella: "Wait a minute, Greg. She just wants to get you on record."

Adam Grossman: "Greg, can I have the spelling of your last name?"



Greg Demarest: "D-E-M-A-R-E-S-T. Once again, would there be a light at the top of a 100 foot tower?"

Councilman Kwasna: "No, I don't believe you do, but we might want to ask."

Councilman Kent: "I think it's 200 foot."

Councilman Kwasna: "What's the height requirement for lights on the tower?"

David Weyhreter: "Actually that's something that would be reviewed by a different department within Bell Atlantic Mobile. In other words we would submit the application to this internal department. They would determine if lighting was required."

Alfred Amato: "It is my understanding that there will be no lighting at the site."

Councilman Kwasna: "Are there any lights on any of your towers?"

Alfred Amato: "I can't say-- I don't know offhand. I think we have two in the town of Riverhead but I know this one will not be lit."

David Weyhreter: "Unless the Board tells us to light it."

Greg Demarest: "I'm still a little fuzzy on exactly how tall this tower is but it seems like it's expandable. I don't know the light factor might still play in here. I'd just like to say this is a project that one wonders about the necessity and the worth of it all. We might have a lot of tradeoffs, like we have our electric power towers that we have to live with but people driving in cars, talking on telephones, I don't know really if we have to have that, what is a necessity?"

I know a Riverhead resident died because he was distracted while talking on the telephone in a car accident. So you have to wonder, you know, do we really need something like this? What's the need for it?

Another thing is that the Sound Avenue corridor is supposed to be the scenic area and the town is buying farmland to preserve-- would

look nice and everything. Why would we want to put a tower out in a scenic area when it doesn't really have all that much of a need. Thank you."

Councilman Kent: "Thank you."

William Rowe: "Hello, my name is William Rowe and I live right next door to the Boy Scout camp on Sound Avenue and I have to wonder after hearing all this expert testimony from the Bell Atlantic people, what the problem really is. They say they've got a gap in their communications there. Well, my living 200 feet or so from the Boy Scout camp and in my hand I have my Bell Atlantic cellular phone that works fine at my house. So what in the heck are these people talking about? I'd like to ask this gentleman, if on these antennas they're going to put reflectors on the backside, meaning the north side of the antennas to reflect the signal toward Long Island either east, west, or south so the signal does not go to Connecticut or is this, in fact, to enhance their service to Connecticut and really has very little to do with Riverhead. Because as I said, my phone works fine right next door to the Boy Scout camp. That's it. I agree with all these folks from Baiting Hollow."

Councilman Kent: "Do you want to speak, Mr. Amato?"

Alfred Amato: "Yes, please, thank you. I believe each and every point has been addressed. What I would ask the Board to do-- I'd like to address a few points-- is to hold the hearing open for 45 days after we receive the transcript and we will respond to any unanswered questions in writing to this Board.

I'd like to make a few points, first regarding the tower falling. A tower has never fallen-- storms through Category 5 in Florida, the recent hurricane in the Carolinas-- one of the few things that's left standing in a hurricane's path is the pole. The Engineering Endeavors report says 85 miles an hour constant 1.7 gusts which when you do the math it's a very large number. At that point, it almost bends, it does not fall. It bends and then it goes back into place. That's the first point.

The second is that the pole is not really installed in a pristine area. If the Board members go to the site, this is next to a maintenance yard. The DEC area is well to the north of this 89.5 acre parcel.

Third, although I'm sure that the Boy Scouts and the applicant appreciates the comments of the community regarding helping the Boy Scouts out, we are, in fact, making a written very long term commitment to this organization.

Finally, well, actually not finally, the community spoke about ability to-- opportunity to respond (inaudible - due to talking among the Board members).

There are no lights at this facility, not at the top of the tower, the base at the tower. (Inaudible due to talking among the Board members.)

There is no noise. There is a generator that will be burned once a week strictly for testing purposes in a sound (inaudible) enclosure during daylight hours. And the only other noise may be a window site airconditioner to keep the equipment cool during the summer hours.

Also this is not a microwave antenna-- or microwave tower. It is similar to TV VHF, like the channels 63 plus. And that is also-- I would make the request to keep this hearing open for 45 days actually after we receive the transcript, we will address those (inaudible) in writing."

Councilman Kent: "I just spoke to the Clerk. I think if we could move it and keep this public hearing open until November 16th-- actually reschedule it to be reheard for public hearing on November 16th. That will give everybody in the public the opportunity to garner any information you'd like to garner about this application and submit any type of written documents and also be present on November 16th."

(Unidentified from the audience): "Is the 16th an evening?"

Councilman Kent: "Yes."

Alfred Amato: "The other point I'd like to raise, the Boy Scouts will receive a memo addressing all points raised by the community and the Board."

Councilman Cardinale: "Can I ask one other question on the issue of preemption of the health issue."

Alfred Amato: "Yes."

Councilman Cardinale: "I believe you stated it that your understanding is that we are preempted from considering it."

Alfred Amato: "Absolutely."

Councilman Cardinale: "I believe it was stated also by the opposition that we are-- the medical doctor who testified-- that we are preempted-- we are not preempted but we are not permitted to base our decision solely on health considerations. I'd like a little clarification on that."

Alfred Amato: "If you want, I will submit a brief to Mr. Grossman but the point I'd like to raise is that you cannot base your decision strictly upon health effects."

Councilman Cardinale: "Well, that's the point. But can we do so-- she acknowledged, the doctor, that you can't base it solely on health considerations."

Alfred Amato: "It should not play a factor in your decision."

Councilman Cardinale: "In other words you're saying we're precluding from considering it. That's the issue I want to-- "

Alfred Amato: "I will address that-- "

Councilman Lull: "Let's give it to Adam, have him give us a brief."

Councilman Cardinale: "Could you clarify that for us, Adam, with your help, Mr. Amato?"

Adam Grossman: "Yes, absolutely."

Councilman Kent: "Would anybody else like to be heard on this public hearing? Any one at all? Nobody. Okay."

George Schmelzer: "I haven't heard what's the supposed rent-- pay the Boy Scouts?"

Councilman Kent: "They declined to provide that as proprietary information"

Councilman Schmelzer: "Well, there's no hearing then. They've

got some damn nerve. What are they afraid of?"

Councilman Kent: "Did you want to disclose that?"

Alfred Amato: "That would require a corporate authorization and authorization of the Boy Scouts."

George Schmelzer: "Why didn't you get it before? Did you ask the Boy Scouts?"

Councilman Cardinale: "George, as you know, you should address the Board but you made a good point."

George Schmelzer: "Well, this is nuts. Whatever rent that is, I suggest the neighbors and residents down there collect that amount and give it to the Boy Scouts and we wouldn't have this problem. I think the Boy Scouts are probably financially strapped. That's why they're doing it. So (inaudible). But if they need a place for a tower, I've got a place out at the river. That's why I wanted to know how much rent they pay, see."

Councilman Kent: "Thank you, George. You can renegotiate that with him out in the hallway."

George Schmelzer: "It's zoned industrial, it's got everything they want, no houses around as far as you can see, it would help pay the taxes. I don't know why (inaudible). What do they expect? Are they ashamed of it? Something don't sound right here."

Councilman Kent: "Okay. Thank you."

George Schmelzer: "All right. You're very welcome."

Councilman Kent: "Did we have somebody else that wants to speak on this-- yes, you have to step up to the microphone, please."

Supervisor Villella: "Step up to the mike. Thanks, Chris."

Fran Rosenfeld: "I guess I have several questions. If it's a non-profit organization do the Boy Scouts have to disclose how much money they are getting?"

Councilman Kent: "They have to disclose it to the Charities Bureau of the State of New York. Yes."

Fran Rosenfeld: "Also, does Bell Atlantic have a master plan including all the placement of future towers of this kind in the town of Riverhead?"

Supervisor Villella: "That's something you would have to ask them."

David Weyhreter: "As I mentioned previously, actually we have one other open search area, the Northville search area."

Alfred Amato: "And, also, Mr. Supervisor, that we did submit an affidavit showing existing coverage and where (inaudible) are in the town of Riverhead (inaudible)."

Supervisor Villella: "Adam, you've got those affidavits?"

Adam Grossman: "Yes, I do."

Fran Rosenfeld: "If they're stating-- you're stating that you only have one more site. Do I understand that correctly?"

Alfred Amato: "At this present time."

Fran Rosenfeld: "Well, we would like to know what the master plan is for the future. And if it's only going to be one more site, then we want that recorded and we want them held to it. We don't want it to begin with but we want that at least-- they're held to that. So I'm not-- I don't feel that I'm getting a straight answer, to be honest with you."

Unidentified from the audience: "You're not."

Supervisor Villella: "Okay, hold-- let's hold up. Okay. You got the point across, that's good. Thank you."

Fran Rosenfeld: "Thank you."

Alfred Amato: "I have nothing further, Mr. Supervisor. Thank you so much for your time."

Supervisor Villella: "Okay. Does anyone else have to speak on this? If not, we're keeping this open to November 16th. Thank you."

(Public hearing left open to Nov. 16, 1999)

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Councilman Kent: "We should let them clear out."

Supervisor Villella: "Yes. We'll wait a few minutes, we'll let them clear out. Everybody that's interested will continue. Phil Cardinale is going to do a special proclamation."

Councilman Cardinale: "A proclamation that we couldn't get out earlier because I didn't have the recipient available-- here now. This proclamation with Vinny's signature reads as follows:

WHEREAS, the Town of Riverhead wishes to recognize the Suffolk County Fire Safety Educators statewide drill held in conjunction with National Fire Prevention Week.

WHEREAS, the installation and testing of smoke detectors along with teaching and practice of safe escape plans are invaluable assets in saving lives and preventing injuries due to fires; and

WHEREAS, enormous and tragic losses can be avoided by using smoke detectors and by planning and practicing safe escape routes; and

WHEREAS, Operation EDITH, escape drills in the home, has proven to be an effective method of creating awareness of the need for smoke detectors and planned escape routes.

THEREFORE, on behalf of Vincent G. Villella, Supervisor of the Town of Riverhead, I do hereby proclaim September 21, 1999 to be Operation EDITH Day in the Town of Riverhead and ask that the residents join in the celebration. In witness today, the 21st of September.

So congratulations to-- who do I give it to? Speech."

Bruce Johnson: "Really what I want to do is thank the town and thank all the gentlemen here. The fire chiefs are not only participating in fire prevention, they're out there all year long answering everybody's call in emergency times. But they're going to be doing a great job next month for fire prevention, getting out to the schools and delivering the fire safety message. And we'd like to ask that all of our town residents participate on October 6th,

Wednesday night, and do your home escape drill. Just like the kids do a drill in school, we'd like the parents to sit down with the children and plan out their escape route, check their fire detectors that night, make sure that they have fresh batteries and actually do a drill. And that's what October 6th is all about and, of course, if you have any fire prevention questions, you can call the local fire departments. They have a great fire prevention program or you can call me here at Town Hall. We'll give you some literature and answer any questions.

But, thanks again to these guys, because they're going to be doing a great job next month getting out and reaching everybody with fire prevention. So I thank them. Thank the Town Board for the proclamation."

Supervisor Villella: "I want to thank all the fire departments for the great work, volunteers, and everything they do. Beautiful." Okay, we're going to go into the second public hearing. We'll wait for them to leave again."

Councilman Kent: "We better wait."

Public Hearing opened: 4:36 p.m.

Supervisor Villella: "Let the record show the time of 4:36 has arrived. Would you please read the public hearing, Barbara?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York at 2:10 p.m. on September 21, 1999, the special permit petition from John Tandy/Republic Abstract Corp. For an overlay of the Business PB District to convert an existing single family dwelling into an office use on a parcel of land located at Roanoke Avenue, Riverhead."

Supervisor Villella: "Okay, thank you."

Jim DeLucca: "Jim DeLucca. I'm the architect of the project. I'm here for Jack Tandy, Republic Abstract. Basically we've been through the Architecture Review Board, the Planning Board, and the conditions that they set for us we've agreed to, not to utilize the second floor or the basement area. We're only using the approximately 700 square foot on the first floor for office area. It will be an office for a title company. There will be three employees and we have



five parking stalls, more than ample for the amount of people that are going to be there and we're going to maintain the existing plantings that's around. I've given (inaudible) to the Planning Board and the Architectural Review Board. There's (inaudible) trees that are in the backyard, everything stays just the way it is. We only took down one tree that was in the way of the driveway, the approach, and any other recommendations that the Town Board may have we'd be more than happy to consider them.

To the north of this project, there is an existing doctor's office so this is basically just a continuation of what's there."

Supervisor Vilella: "Okay, Jim. Anyone else like to speak on this public hearing? Sid?"

Sid Frank: "My name is Sid Frank. I'm from Riverhead. My name is Sid Frank and I live with my wife, Ruth, at 13 West Duryea Street. We own a corner parcel of Roanoke and West Duryea, the red building diagonal from the property in question. We have lived on that parcel 35 years. I've watched the traffic build up so much in the last few years that's it's practically impossible to get in or out of my own driveway.

The property in the Roanoke Avenue area was zoned specifically for residential and certain allowances for doctors with offices in their homes as it was beneficial and the proximity of the Central Suffolk Hospital which is a major factor and plus to the Town of Riverhead and by many nicknamed Doctor's Row and the Heights.

It seems now that the former Building Inspector, James DeLucca, wants to improvise and acquire some new changes to the residential law of Roanoke Avenue. He knows better. When he was Building Inspector he went by the book so now he should practice what he preached. Follow the previous rules and bylaws. I don't think the area warrants special people to get special permits for special arrangements. What was good for previous and present owners should be good for new owners. No special deals are allowed. Just follow the same rules.

At the present time, congestion on Roanoke Avenue is sometimes intolerable and any commitment to this permit will have a major impact on the already serious situation. It is my firm conviction James DeLucca's permit should be denied. The rules and laws we now have should be kept in effect and enforced because any changes will bring more changes and go on and on an on. When do we stop?

I looked up some of the laws in the red book for the town on the special permit. On the B section, the plot area is not sufficient, appropriate and adequate for that use. Under C, it also is walking distance from a school area and from a church which is not too far. And D, parking also is a factor. He says five parking spaces. They don't have sidewalks on the east side of the road and no curb cuts. I think his permit should not be allowed."

Supervisor Villella: "Thank you, Sid. Anyone else like to speak-- did you want to speak on-- "

James DeLucca: "Yes, I just want to address some of the issues Frank brought up. First of all, it's not my project. It's Republic Abstract. And talking about the rules-- changing the rules, this rule was put in effect when Allen Smith was here and since then many, many offices-- approximately 15, that have-- 14 or 15 at least, and I have pictures of them that (inaudible). As a matter of fact, there's BOCES across the street and many other offices right down Roanoke Avenue. As a matter of fact there's the one right next door. The eye doctor, the dentist has been granted since then. They were granted approximately-- one was about five, six years ago, and the other one was probably about two years ago. So there's really no exceptions that are made for me or my client. I don't know where he gets his information from but we're not asking for any exceptions in parking. We've provided more than is required. We're not asking-- the buffer zones call for 10 feet. Our buffer zones are 15 and 12 feet, far beyond what's required. So we're really not asking for anything over and above what the code requires.

Also, we're providing-- because we recognize there is a traffic problem on Roanoke Avenue-- we're providing a 10 by 30 addition to the driveway in the front so if there's a problem with a car coming in and one exiting providing a parking area for that car to pull in-- so there isn't any problem with pulling in and out.

We're not extending the sides of the house. The house remains the same size. There is a curb cut there right now for the existing house. We're not increasing the size of it; we're not decreasing it. We're not changing any of the landscaping in the front; it's remaining the same way.

So as far as any special privileges or any special rules, I don't know where he comes from. I have no idea but we're not changing the rules. The PB district was put there for a reason because residential

along Roanoke Avenue is not desirable. And that's why most of the people are selling their houses to convert them over to professional offices and if you want to check the zoning, you will see that we're abiding by all the rules according to what's been there since the PB district was created approximately about 15-- 17 years ago. Thank you very much."

Sid Frank: "Mr. DeLucca says that he's going to employ three people. That's three parking spaces. He's only got five parking spaces. So he doesn't have enough parking spaces. Three people come to work with a car each, the parking spaces are used up. I don't know where he gets information that I take it out of the book. I know who lived on that street. There's no other businesses on that street but doctors or dentists, on Roanoke Avenue. There's no other business. You can go all the way up to the circle. Oh yeah, the circle, you've got people but you get down to Duryea Street any other street, I don't know of any businesses there."

Councilman Kent: "I think there's a law office-- "

Supervisor Villella: "Okay."

James DeLucca: "There are other offices on Roanoke Avenue south of Pulaski and north of Pulaski and where I get my facts from if you look at the zoning book, parking stalls are geared on square footage not geared on occupants. Only public assembly is geared on occupancy. And that's where the seven-- the five parking stalls come from."

As far as this is not a transient business where people come in and out, it's an abstract title business, all the work performed by the employees is basically done in over in the Suffolk County Center. This is not a business like a real estate business or even like a business for a doctor. He doesn't have patients visiting, he doesn't have homeowners visiting. All he has is basically his employees which do all their work at the Suffolk County Center doing title reports. So this is not a transient business and three parking stalls are more than adequate. But we went strictly by square footage just by the way the code calls for and you can look it up in the parking schedule and it's strictly according to code.

And, again, I want to repeat. This business is not my business. Sid Frank keeps using my name-- "

Supervisor Villella: "Okay. We don't want to get into a--

back and forth. Rick, do you have anything to say on this?"

Councilman Kent: "I just have a question, though. Jim, as I recall when we saw the site plan on this, there was a small problem with the driveway."

James DeLucca: "The driveway, the existing driveway is there and we widened the driveway to 12 feet. Okay. And to accommodate as I said before, the other car. We widened it in the front to 24 feet to accommodate this two-way traffic. Say someone is pulling in and someone is going out, we put a shunt there to take care of that problem. This is not unique to Roanoke Avenue because the properties are very narrow and to accommodate that type of situation, that's the way we worked on it."

I mean we could have knocked down more trees and put parking in the front, which we didn't want to do. We wanted to maintain the character of Roanoke Avenue. And Mr. Tandy, the owner of Republic Abstract, is here, too, if you want to talk to him. But as I know the Planning Board, their recommendation was you can see that approved it and as far as the Architectural Review Board, they had very little complaints about it. As a matter of fact, there was concern about the-- you know, if we were going to do anything. The only thing we're adding onto the back is a handicap ramp. And we didn't put it in the front because we didn't want to, again, impact the architectural vista of the road the way it is now. So it's going in the back. And that will be the main entrance, in the back."

Supervisor Villella: "And you mentioned you're not using the basement and upstairs."

James DeLucca: "Not using-- it will be put-- if you want to put in the covenants and restrictions, more than happy to put it on there and we'll file them accordingly."

Supervisor Villella: "Thanks. Rick, do you have anything to say on this, the Planning Department?"

Richard Hanley: "I think most of it's been said but just to reiterate what the Planning Board did. Their report suggested approval of this subject to a couple of conditions. One being that the upstairs and basement not be used for either this use or residential use. They were concerned about the number of parking spaces. Obviously the square footage that is being proposed here for

the office use, the number of stalls that are proposed support that according to the code as Jim said and the second issue is the eventual approval of the site plan which the ARB has begun to look at. The initial report has to deal with the shunt that Jim talked about as well as some additional landscaping on the site.

So that's where we're at on that. You'll be getting those reports from both of the Boards."

Councilman Cardinale: "Rick, the overlay zone, the PB is that what it's called?"

Richard Hanley: "Yes."

Councilman Cardinale: "That contemplates both-- does that contemplate both professional use and general business use such as this?"

Richard Hanley: "The overlay district was applied to Roanoke Avenue I think it was in the late 1970's. There was a Town Board motion, there was demand for this kind of reversion of single family residence due to the expansion of the hospital. They applied it-- it doesn't appear on the map but it is an overlay district that's not mapped. There are records in the Town Clerk's office which-- resolutions, which set the bounds for it.

The intent of the district is to allow for these buildings to house what we call professional offices which are listed in the zoning ordinance or any other office that this Board considers to be a professional office. So it is specific to the listed or enumerated professions that are within the district themselves in the zoning ordinance. It is not a general office type use."

Councilman Cardinale: "And does this particular use-- "

Richard Hanley: "I don't know that this is called out specifically. I think you might have to make a finding that it is a professional office as the others are. I could be wrong about that, but I'll check that before we-- "

Councilman Cardinale: "The reason I asked that question because that was part of Mr. Frank's point was that I guess the idea of having doctors' offices along and/or law offices are there, too. This is pretty close, but it's not an exact match to that use. Thank you."

Richard Hanley: "Right."

Supervisor Villella: "Sid, would you like to see the-- can you show Sid the readings on that and everything on the code? Yes. It might clarify it. Craig."

Craig Demarest: "Hello, again. Craig Demarest. I live in the area. I got a certified letter and I'd just like to bring it to your attention that the (inaudible) house is a very small house on a very small piece of property. I don't know if you've been down there but if there's five spots in the back it would have to be a very small business and it would have to remain over the years a very small business because I don't know if he's going to have to put a handicap spot back there. Is that one of the spots-- so you have really four. With the area on both sides of the handicap spot, you should make oversize spots handicap. So you only have four spots. If the business grew at all, I don't know where you have enough spots in the future."

The problem here is if a car went in there and the four spots are taken, and if the handicap spot was taken, they'd have to back out onto Roanoke, which is a hazardous thing.

Also there's no parking on-- it's illegal to park on Roanoke Avenue in front this house and if someone went in there and couldn't find a spot, there might be a natural tendency upon the person to want to park right in front. Oh, I'll just run in and drop off a document or what have you and there's about a two foot margin on the side of the road if you noticed-- two and a half feet maybe-- for the shoulder. So if a car parks there, runs in to drop off a document because they can't find a parking space in the back, somebody could plow right into the back of them because they're used to driving down a road that has no parking on the side of the road.

So as long as it stays a very teeny tiny operation over a lot of years, you'll have no problems, but what happens if in the future if they hire somebody, anybody? Or if they have an actual customer come over which they're saying they'll never have a customer come over. I doubt that. I see other title companies around Riverhead, they have a lot of parking places. So there can be problems with a lack of parking space. You've got to keep that in mind. Thank you."

Supervisor Villella: "Anyone else like to speak? Sid?"

Sid Frank: "Sid Frank, again. I looked at the book that he took me in and he showed me all the listings. There was nothing specific in that book that mentioned an abstract company. It mentioned doctors, it mentioned surveyors, it mentioned a lot of things, but no abstract company. And that's what that permit said, abstract. It didn't say anything else. Now, that is probably going to have to changed in the law. You people are going to have to make that decision, the five of you. That's the only way it can to get into the book. Am I right or wrong?"

Supervisor Villella: "If that's the way it's worded but I don't know how it's worded. Yes."

Richard Hanley: "The ordinance lists about 15 various professions that are specifically identified. There is a catchall provision at the end of the chapter which allows the Town Board to approve by special permit any other professional office or office which is similar to the ones listed. So, that was the reference that Mr. Frank is making that you have to make an affirmative finding that this use-- this kind of office operation is similar to the ones that are listed. I don't know whether there are licenses involved. That might be one approach. But we'll have to talk about that."

Councilman Cardinale: "Is a title company listed?"

Richard Hanley: "No. Not specifically."

Councilman Cardinale: "Thank you."

Councilman Kent: "Are lawyers-- lawyers-- I wonder if this could be considered-- ?"

Richard Hanley: "Most of what are listed hold some kind of professional license. I don't know whether that's a distinction that we can use in this case, but-- "

Councilman Kent: "Real estate brokers? Is that-- "

Richard Hanley: "Yes."

Councilman Kent: "So you've got lawyers, real estate brokers, surveyors, but not title companies?"

Richard Hanley: "Title company is not listed specifically."

Supervisor Villella: "I think-- Rennie?"

Rennie Chievac: "My name is Rennie Chievac and I live on Northern Parkway, right around the corner from Roanoke. My main concern is the traffic. If a car wanted to stop from coming out of the driveway blocking traffic to make a left turn, I find it very difficult even now being cut off by some patient who come out of Dr. (inaudible) office that are not considerate the way they should be or they don't see me coming-- "

Supervisor Villella: "In other words a right turn only."

Rennie Chievac: "-- so my main concern-- well, but you know very well that even though there's a right turn only sign many people-- and that happens at Pizza Hut-- that right turn only, people come out and make a left turn. They block the (inaudible) road and they sit there until you stop and let them turn. So that's my main concern and I would (inaudible). Thank you."

Supervisor Villella: "Thank you."

James DeLucca: "I just want to address something-- talking about cars and different things. I mean nothing would stop someone from buying the house, using it as a residence, paving the whole backyard if they want to do it and if they had a family that had five cars and put the cars there. I mean there's no law to stop anyone from doing that. So as far as an issue with traffic, a single family house can have more cars and there all the time that a business would have. So I mean the issue of cars coming out and blocking traffic, if it was a single family dwelling and it stayed as a single family dwelling and he had five teenage kids with five cars, you would have the impact or more of an impact. I mean he could pave his whole property if he wants to and put cars in the front, the back, the side, anyplace he felt like it. So I mean the issue of traffic. Roanoke Avenue is a busy street. Plain and simple. I mean, so as far as a business having three employees impacting the traffic on Roanoke Avenue, I kind of have my doubts about that."

As far as the issue of the office, as Mr. Hanley said there is a catchall phrase that talks about offices similar to and this office is similar to. I mean there's offices down Roanoke Avenue. There's a psychologist in it, there's other types of people in the office and I can get a list if you so desire. There's a printer on Roanoke Avenue. I mean there's all types of businesses. All right."



Supervisor Villella: "Thank you. Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. You know the English language has words that can really get you tripped up. Now it was brought out that you're not going to use the upstairs and they're not going to use the cellar. That's got to be clarified because I think what they want to imply here is and if I'm wrong, maybe Mr. DeLuca can help me out on that. I believe that you're not going to-- Abstract is not going to use the upstairs for business purposes and you're not going to use the cellar for business purposes because the upstairs has a right to be used, store furniture, store clothes. And the way you word not going to use it, then don't permit nothing. So if employees want to go up there and hang up clothes and leave their boots up there-- now as far as the cellar not being used, where do you get your water from? Where do you get your heat from and that? And the working mechanism of a house has got to go on."

Supervisor Villella: "Okay, Steve. Anyone else like to talk on this? If not, the time is 5:00. I declare the public hearing closed."

Public Hearing closed: 5:00 p.m.

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Councilman Kwasna: "Got you out just in time for dinner."

Supervisor Villella: "I'm glad you can eat. Okay. We've got three more. Which one is cancelled?"

Councilman Lull: "The next one-- the next one we said we're going to open it up and not worry about what anybody says now but leave it open."

Public Hearing opened: 5:01 p.m.

Supervisor Villella: "Let the record show that the time of 5:01 has arrived. Would you please read the public hearing, Barbara?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York at 2:15 p.m. on September 21, 1999 for the consideration of a change of zone petition of Northrop Grumman to amend the Zoning Use District map and to provide for the Industrial A

Zoning Use District to the exclusion of the existing Defense Institutional Zoning Use District on property located at Swan Pond Road, Calverton."

Vincent Pizzulli: "Good afternoon, Mr. Supervisor and members of the Board. My name is Vincent Pizzulli, P-I-Z-Z-U-L-L-I, a member of the law firm of (inaudible) with offices at 330 Old Country Road in Mineola. We represent Northrup Grumman Corporation and we're here before you this afternoon to request a rezoning to rezone the subject premises back to its original classification which was Industrial A.

According to Planning Department records and (inaudible) apparently an error may have occurred or probably occurred when most of the inside the fence property was zoned Defense Institutional. There was a small portion of Grumman's operation which was outside the fence and was known as (inaudible) on the south side of Swan Pond Road. And ironically today the inside the fence property has been comprehensively studied and rezoned and the last vestage of Defense Indstitutional is the 19 acres on the south side of Swan Pond Road.

The existing premises are improved with two buildings that contain a total of 127,000 square feet. It's useable office, research and development and light industrial space.

As you know, Northrup Grumman has closed up shop. The buildings have been unoccupied since at least 1995 and they are currently negotiating to sell the property to real estate investors who presumably solicit buyers to use the property for that which was intended, a light industrial use.

So if you have any questions, I'd be happy to try to answer them but we ask you to amend the zoning map to redesignate the property back to its original classification and of course with the Planning Board's recommendation. Thank you."

Supervisor Villella: "There is something. Adam, is-- let me see, Rick's not here?"

Adam Grossman: "Rick is outside."

Supervisor Villella: "No, that's all right. We could probably figure this one out ourselves. On that piece of property, being that we had a problem with that about a month ago because the county wanted to put a children's detention center on there which is "a jail".

Still any talk or anything-- was Northrup Grumman really entertaining that?"

Vincent Pizzulli: "I don't believe Northrup Grumman was involved in that discussion whatsoever. I can represent to you that there are currently draft contracts being exchanged with an investment group called (inaudible) Realty and there's been-- to my knowledge, there's been no talk of such use at all."

Supervisor Villella: "I hope not. Also, this group that wants to go into contract, I know that's been looked into and also Senator LaValle and the IDA and-- we're looking for that to be a business incubator center for new businesses which would be viable for that area. So, I'd like to see, you know, on the route of that I would like to see that, but-- "

Vincent Pizzulli: "Well, I would say this, Mr. Villella, again, (inaudible) the existing improvements obviously lend themselves to a business, light industrial type of use which is not inconsistent with the planned industrial that you designed across the street. For a real estate investor or developer to come along and in effect apply to the town to demolish those buildings to create a different type of use zone there, first it would be very costly, very inefficient, and number three, it would be deadly because the property is located in the core area of the pine barrens."

Supervisor Villella: "You're talking about the county here."

Vincent Pizzulli: "I'm talking about anybody. This property is in the core area of the pine barrens zone. Any type of development as defined by the Pine Barrens Commisison would be subject to an application for an exemption from the Pine Barrens Commission."

Supervisor Villella: "True, which I'm on that Board."

Vincent Pizzulli: "Right. And, you know, I venture to say that that would be a very difficult process to succeed in. About the only chance of this property again being adapted to be used for what it was intended for was its original zoning classification."

Supervisor Villella: "I know you have to get the zoning change because otherwise you would never be able to sell the property. We had that problem within the fence."

Vincent Pizzulli: "Not only can we not sell the property but the town won't be able to assess it at its full fair value."

Supervisor Villella: "Yeah, true. No, I have no problems with that. I just wanted to see with the zoning change with the correction facility which we do not want in the Town of Riverhead."

Vincent Pizzulli: "A correction facility, I think I can fairly say would be considered development as that term is defined by the Pine Barrens Commission which would mean that even if it was Suffolk County that was interested in the property, they would have to get that exemption from the Pine Barrens Commission."

Supervisor Villella: "Hardship, yes."

Vincent Pizzulli: "Correct."

Supervisor Villella: "Okay. Anyone else have any questions?"

Councilman Lull: "Yes. First of all I would like to correct one thing historically. I think you'd find that that zoning as Defense Industrial is not by mistake at all. There's a very specific plan to that. But I would suggest, Mr. Supervisor, that we keep-- if we can, we could keep this open until our next work session so we could talk about it and get some other questions answered about it so we can then move on."

Supervisor Villella: "Okay. That makes sense. How about it? Okay."

Vincent Pizzulli: "Would you like me to attend the work session or is it something that the Town Board-- "

Councilman Lull: "Let's see how things go."

Supervisor Villella: "Okay, yes."

Vincent Pizzulli: "Thank you very much."

Supervisor Villella: "Thank you. Anyone else like to speak on this public-- Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. Just one little technical point. When I left from there is as I drove out, I was

driving on Grumman Blvd. Now was it changed back to Swan Pond Road or is it Grumman Blvd.? That's a little technical point."

Supervisor Villella: "Still Grumman Blvd."

Steve Haizlip: "Then we have to get the correction made in this write up that it's Grumman Blvd. I know it's picky but the specifications in any document has got to be (inaudible)."

Supervisor Villella: "Besides that, you have pride in the word Grumman. That's right."

Vincent Pizzulli: "Mr. Lull, I just wanted to state, again, it was speculation on my part that the-- "

Supervisor Villella: "Oh, that's fine. This happened a long time ago. Yes."

Vincent Pizzulli: "But that may not have been the case. Thank you."

Supervisor Villella: "That's fine. Anyone else like to speak on this? If not, we're going to keep it open until our next work session."

Public Hearing left open until next work session

Adam Grossman: "A week from today?"

Supervisor Villella: "Yes."

Adam Grossman: "The 28th."

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Public Hearing opened: 5:09 p.m.

Supervisor Villella: "Okay, the time of 5:09 has arrived. Would you please read the next public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York at 2:25 p.m. on September 21, 1999 for the consideration of a local law to amend Chapter 61 entitled

Environmental Review."

Supervisor Villella: "Thank you. Adam?"

Adam Grossman: "Yes, the subject of this public hearing are changes to Chapter 61 of the Riverhead Town Code Environmental Quality Review. I have been working with the Planning Director and with the Code Revision Committee on changes to this particular chapter.

There are two changes that I want to bring to your attention, to the people that are here for this public hearing this afternoon. The first change that we are making is that there are references in Chapter 61 to an Environmental Quality Review Board making SEQRA determinations. The Environmental Quality Review Board consisting of three members of-- one member each of the Planning Board, Zoning Board of Appeals and the Conservation Advisory Council because that portion of Chapter 61, in fact, is contrary to SEQRA and it's technically not legal. We're removing that-- all references to the Environmental Quality Review Board and we're replacing it with lead agency which could either be the Town Board or another board in this Town designated to make SEQRA determinations-- SEQRA being State Environmental Quality Review Act.

The second change is-- to this particular chapter is involving fees associated with SEQRA environmental impact statements and other associated-- fees associated with environmental impacts related to particular projects and particular applicants that have projects before the Town Board and other boards in the town. Currently there is a cap of \$4,000-- a \$4,000 cap on what can be reimbursed by the applicant to the town for costs associated with SEQRA applications. This particular code change is going to remove that \$4,000 cap and replace it with what is in the current SEQRA rates which is, I believe, a 2% actual cost of either review or preparation of an EIS or 2% of the total project, whichever is less.

There are other minor changes in this particular code change but those are the changes that I wanted to bring to the attention of the people who are here this afternoon. Thank you."

Supervisor Villella: "Thanks, Adam. Anyone would like to speak on this public-- Pete?"

Peter Danowski: "As to the earlier comments, it's sort of interesting the model ordinance suggested by the State of New York has

led to the existence of the language in the statute. Fifteen years ago approximately the town lost a lawsuit involving a client of mine when the town voted favorably for my client. They lost the litigation on the basis that this provision was there, that the Environmental Quality Review Board can make a determination, in fact, (inaudible) since they made a recommendation, but the court viewed it that the statute was wrong and hasn't been corrected since.

So as to that portion, I certainly don't have a problem with correcting the ordinance.

On the second part, I'm always afraid when you keep trying to say there are larger and larger fees that are going to be set and given back to the applicant. That we're going to hurt some people who are trying to develop in the town. And at some point we should have some rational cap of fees. So I don't know where the rationality is going to end but if you're going to have an open-ended type of fee structure for SEQRA review I'm not sure that's not an out of control in the opposite direction. But with that comment, I just think we should discuss it further and not adopt it today."

Adam Grossman: "Yes, I just want to respond to you, that first of all, this is not getting adopted today, this is just a public hearing."

Peter Danowski: "That's always good news."

Adam Grossman: "And, secondly, there isn't an unlimited amount of money that goes back to the applicant. It, in fact, reflects exactly what SEQRA (inaudible) stated previously, either review and preparation of an EIS or 2% of the project, whichever is less. So it isn't just an unlimited basis."

Peter Danowski: "I think the public appreciates that you and I and maybe the Board privately can smile a little bit as to that 2% of what and who figures out the amount and maybe the developers, their attorneys and the Board and the Town Attorney won't always agree to the amount."

Supervisor Villella: "Okay. Anyone else like to speak on this public hearing? If not-- "

Councilman Kent: "George doesn't want to speak."

Supervisor Villella: "No. The time is 5:13."

Adam Grossman: "Do we want to-- just put anything into the record on this?"

Councilman Cardinale: "Rick, did you want to-- "

Supervisor Villella: "Environmental review, Chapter 61."

Richard Hanley: "Yes. Just as a conclusion. The intent here is to make some various and sundry changes to 61. Adam probably addressed most of them.

There is a removal of certain archaic procedures that don't meet the state law presently. We're amending various sections to provide for compliance with recent changes that the state has made and most notably, I guess, Peter's comment had to do with the fee for environmental review which is probably the most important part of the change.

I don't know whether Adam talked about the actual percentages. Okay. So that's all I have to add. Thank you."

Supervisor Villella: "Thanks, Rick. If not, then we declare the public hearing closed, 5:15."

Public Hearing closed: 5:15 p.m.

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Public Hearing opened: 5:15 p.m.

Supervisor Villella: "Last one. Let's see-- continuation of public hearing. Okay. Let the record show that the time of 5:15 has arrived. Would you please read the public hearing?"

Barbara Grattan: "Okay. I don't have affidavits of publishing and posting because this wasn't published. This was for the continuation of a public hearing which was held on September 7th on Wal-Mart Stores to allow the construction of a building area greater than 15% upon property located at Route 58, Riverhead."

Peter Danowski: "Peter Danowski speaking on behalf of Wal-Mart. I have posted the property, provided that proof to the Town Clerk and



I did a certified mailing to the neighbors as required under the town code.

This is a continuation of a hearing because the first time around the Receiver who is technically I understand the owner of the property was sent a legal notice and did post the property and did not do the mailing. However, there was a legal notice in the paper so we saw fit to attend that hearing date and make some remarks and today I'll just repeat some of those same remarks.

We're here because the provisions of the Riverhead Town Code say if you exceed 15% of the lot area coverage, you must come in for a special permit and what that means is you must file an application with the Town Clerk, the Town Board must consider SEQRA and make a determination, must refer the matter over to the Planning Board. The Planning Board must consider this and make a recommendation back to the Town Board. A public hearing must be held and as we're doing that, we're analyzing a site plan that's conceptual in nature and a hearing before the Architectural Review Board. All that for a 400 square foot-- not 4,000, not 40,000, a 400 square foot vestibule area to the front of the existing Caldor store.

So the public hearing really relates to 400 square feet of I suggest not retail area. I mentioned the last time that I do ring the Salvation Army bell for the Rotary Club in that location and it gets a little cold in the winter so I'm sure the people at the cashiers' areas get a little cold in the wintertime as well with the doors opening and closing.

So Wal-Mart was suggesting this little addition to the front of the building which triggered this public hearing.

It was also mentioned in the special permit application that they were going to reopen the garden center and someone reminded me at the last hearing in the hallway that Caldor may or may not have had a garden center, but Grants might have been there and I forgot all about Grants. So maybe in the Grants days there was a garden center there. But there is a concrete pad to the back. It looks like the kids hang out, vandalize the area back there and so what Wal-Mart is doing in my mind is a real shot in the arm to this center.

Both in our appearances before the Architectural Review Board-- we've been there twice and the Planning Board, it really suggested this whole center needs a dressing up. It certainly needs to be

cleaned up and I think Wal-Mart is a great, great entry into that realm. I think they will do a great job.

They are going to put on what's called (inaudible) board as opposed to paint on the surface of the building. Their standard colors are depicted. If you've been to a Wal-Mart center nearby in Suffolk County, you'd note the same colors. They are taking over the Caldor store. They are not going to take over the whole center. They do not own the center. They only control by projected lease the Caldor store. They won't own the tenants where you see the golf shop and the tool place. So we have no control over that.

And the Receiver himself I believe is controlled somewhat by the judiciary. I think he needs court approval to do certain business transactions. So we're here as a projected tenant and we're doing what we can. We are not going to attempt to improve the whole site. However, as part of the discussions with the Receiver, Wal-Mart wants to, whether they're required to or not, dress up and clean up the parking area as depicted in front of the Caldor store and to the rear of the store. So we will be repaving the area and handling drainage facilities in that particular area and it's been recommended to us and we agree that we should try to dress up with some more greenery this area, although it's a double-edge sword because we have parking requirements, too, and we can't give up the parking spaces.

So we basically from the first plan got to this plan, we'll add trees to the perimeter of the parking area that we're talking about and we'll take some of the area that has either macadam or asphalt but not parking spaces and tree and shrub those. So we think something like 40 or 50 shrubs and 12 or 13 trees will be added to the area. So it will add some green to the perimeter and yet not take away from the town code required parking spaces. It will be re-striped in conformity with the parking regulations now existing in the town. We expect the Planning Board will have a positive recommendation to adopt this and we would ask this Board to act promptly on it and I would hope by the time the next Town Board meeting exists that you could approve the special permit and the site plan so they could get working on this center before the onset of winter.

There is a Planning Department staff report that outlines everything. The 400 square feet is in the front vestibule area, the garden center is listed as something like 6,600 square feet of what was already there. It is not being enclosed in as a building. As most garden centers in shopping areas, it will be fenced off and

secure but not part of something under a roof and walls. So traditionally that has not been treated as a retail area in the past. But in either case, whether it is or isn't, we're asking for a special permit in order to get beyond the 15% area coverage. We're in excess of that at the center today, the building as existing, and this will add less than 1% to the already known coverage on the site.

So with that said, Andy Hart (phonetic) is here from Bergin and Associates (phonetic). He traveled down from Rochester to be here for the second or third time in the last month or two and I'll wait for public comments. Thank you."

Supervisor Villella: "Thank you, Pete. Would anyone like to speak on this public hearing?"

Councilman Kent: "Pete, I do have a question though. The rear of this site, I don't think it's Wal-Mart property. I believe it belongs to the shopping center."

Peter Danowski: "Yes."

Councilman Kent: "But those trees that provide a buffer between the rear of the shopping center and Kings Drive, residences on King Drive."

Supervisor Villella: "Yes, we have a complaint on Kings Drive."

Peter Danowski: "Well, I was about to reach in my pocket because-- "

Supervisor Villella: "You've got a bag of tricks?"

Peter Danowski: "There was a phone message and I got the content of a letter from Mr. Saperstein (phonetic)-- "

Councilman Kent: "That's correct."

Peter Danowski: "Okay. About the need for a privacy fence in his part and I won't say this in a little private story, but there was a story about a chainsaw incident this past week and I ended up in the hospital and as I'm there, one of my friends is a former client, Marian Gilliam (phonetic), was there as a nurse, and we talked about Wal-Mart because she lives on Ostrander Avenue and she couldn't make the meeting but she said she just wanted to voice a complaint to the

owner of the center that there is curbing in the center location and where the curbing stops obviously water collects and rushes to that point because it's not curbed beyond it and just happens to empty into her property. So if at all, she wanted the owner to try to correct that. So if they extend the curb, maybe they can correct it. Of course, it may just affect the next neighbor. So I don't know where that will stop.

I also talked to Kenny Zahler who obviously has a parking problem at Hero's and I understand his plight. He's apparently dealt with the owners of the property in the past. They may or may not be the same owners anymore and certainly not the Receiver. I did say I'd pass on his word-- the names and address to him. If he wants to negotiate further because there's a grassed out area behind his place, it's not used for parking and obviously it's not being used for anything right now and could be a great benefit to him.

But, again, Wal-Mart can't control that. I can only put the current owner in touch with Kenny."

Councilman Lull: "One thing that Wal-Mart can control though and I think it would be a wise idea and good community relations, whatever can be done to that fence in the back, whatever can be done, if it means it's chain link with slats or whatever, however it can become a more private fence. Also obviously Wal-Mart's going to clean up the back and repaint and everything else. At that point, I think that some low aimed wall lighting in the back would be very effective. That's needed to break up any kind of activity that may go on there."

Pete Danowski: "I think Wal-Mart wants to do that. We do that as part of security. And I think you could make the special permit and site plan approval conditioned upon comments such as that."

Supervisor Villella: "Anyone else like to speak on this public hearing? Okay. The time is 5:24. I declare the public hearing closed."

Public Hearing closed: 5:25 p.m.

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Supervisor Villella: "Now we go into the-- oh, boy, where are we here?"

Councilman Kent: "We have quite a few additional resolutions."

Supervisor Villella: "Yeah, would you like to read off the resolutions-- what's the last one? We didn't go over this at work session. These we did, these we went over and this one we didn't go over."

Councilman Lull: "I don't know where that one came from. I have no idea."

Supervisor Villella: "The other ones we did. We talked about this one."

Councilman Lull: "Yes. The certificate of deposit."

Adam Grossman: "That's Pete's resolution. He asked that we-- "

Supervisor Villella: "What's it about?"

Adam Grossman: "Pete, the resolution that we had added on--"

Councilman Kent: "The Stoll resolution."

Peter Danowski: "I closed in escrow yesterday. Stoll says it's an approved subdivision-- "

Councilman Kent: "Why don't you go up to the microphone?"

Peter Danowski: "All right, sure."

Supervisor Villella: "Because we didn't know anything about this. I just see it now."

Councilman Kent: "We're about to describe additional resolutions."

Peter Danowski: "I asked if at all possible to consider a proposed resolution involving a subdivision map that's been filed and my client, Stoll, says he has contracted and closed in escrow yesterday on this property. It's 11 lots on Herricks Lane on a filed map. The roads have begun to be constructed by Mr. Zoumas (phonetic) and his corporation. A condition of the contract had been that he would arrange to have security (inaudible) here and a resolution passed so that my client could get off the security and he could get

on it. So it's a substitution of the same dollar amounts for the park and rec fee and for the roads and drainage. In fact, some of the road and drainage being completed so probably is less needed and I have requested that you do a reinspection so that maybe I can reduce the bond amount.

We've delivered the letter of credit today. It's not a bond, it's a letter of credit, and a certified check for twenty-two grand. So, it's merely taking one bit of security and substituting it for the other in the exact same amount. That just gets me to release the deed."

Councilman Kent: "Do you know if we have the letters of credit from Mr. Zoumas?"

Peter Danowski: "I delivered-- and I had a cover letter-- I delivered the original letter of credit. The town attorney has the letter of credit and a certified \$22,000 check."

Supervisor Villella: "Good work."

Councilman Kent: "Okay, that's one of the resolutions."

Supervisor Villella: "Now we can understand."

Councilman Kent: "We have some other resolutions that are-- "

Supervisor Villella: "Do you want to name them off?"

Councilman Kent: "Yes, we'll do them quickly. They're not on the agenda. A few other resolutions if anybody wants to speak on them. One creates a Peconic River Greenways Acquisition Program Committee including such notable local residents as Peter Danowski and Annie Fu, and Augusta Field, Monique Gablenz, John Volonts, Kelly Conklin, Anthony Strollo, and John Field.

We're going to approve a resolution tonight-- or one's being offered that amends the site plan of Larry's Lighthouse Marina for the pool area that they put in. Approves the site plan of Gemini Realty located on Kroemer Avenue. You don't have any of these?"

Supervisor Villella: "Barbara doesn't."

Councilman Kent: "And we have the last one that approves the

site plan of Meszaros (phonetic) temporary greenhouses."

Supervisor Villella: "These are the ones we talked about yesterday and you should have them."

Councilman Kent: "On West Lane."

Supervisor Villella: "Okay, public comment on any of the resolutions. Sal?"

Sal Mastropolo: "Sal Mastropolo, Wading River. Resolution 865. Could somebody tell me why the town attorney wants to commence litigation in Supreme Court against the County of Suffolk for a fallen traffic signal? What do you hope to gain and-- "

Supervisor Villella: "Money."

Councilman Lull: "When a traffic signal is put up in Riverhead Town by the County or by the State, the contract that goes along with it is that we agree to maintenance and the normal maintenance is one thing. This traffic light blew down-- "

Councilman Kent: "Twice."

Councilman Lull: "And it was a serious expense. And what we're asking for is the County to pick up that expense. We do the maintenance for this kind of repair, this type of thing we're asking them to pick up that expense."

Sal Mastropolo: "Is the expense greater than the cost of suing them in Supreme Court?"

Councilman Kent: "Yes."

Adam Grossman: "Absolutely. And this is being done in-house, okay, so between Lauri Dowd and myself we're handling litigation in-house. There has previously been a notice of claim filed in the County of Suffolk and this is just a follow-up."

Sal Mastropolo: "Okay. I just hope we're not spending \$50,000 to get back \$10,000-- "

Supervisor Villella: "No. We wouldn't. That's common sense-- we wouldn't have done it."

Sal Mastropolo: "All right. Thank you."

Councilman Kent: "Is that it, Sal?"

Councilman Cardinale: "It's common sense; but I'm not sure we wouldn't have done it."

Councilman Kent: "Just the one resolution? Anybody else on the resolutions? Steve?"

Supervisor VILLELLA: "Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. You know, as a farm boy coming up in the Piedmont section of North Carolina, I had a father that was very honest and concerned. And he always taught us kids to put faith and trust in everyone until you find out otherwise. It seems I have found out otherwise here. On July the 30th -- the boat hearing stipulated strictly \$57,000, \$51,000 in grant, \$6,000 from the town. I discussed that on Resolution 747 and I discussed it on 820-- Resolution 822 at the last meeting. And the last time that I spoke to two town officials here it was going at \$57,000. Now I find out that's it up to \$66,000 and the public hearing on July the 30th did not mention one single word about options. And that is (inaudible)."

Now, you know, it's getting to a point when you say you're going to do something and what the public hearing is about and the intent of it, that's the way it should go. Now if you've changed these figures and you've added \$9,000 on it, then in my opinion, maybe I'm wrong, but I don't think the law is working right. They could have had another public hearing called and said we cannot meet the \$57,000 for what we need this boat for. But the public hearing was set for \$57,000 and now they run behind your back or somebody's back and they run this thing up to \$66,000."

Supervisor VILLELLA: "Hey, Leroy, do you want to do me a favor and see if Jack is in that room? See if Jack is in there? Bring him out. You're absolutely right, Steve. Because we talked about it last week."

Steve Haizlip: "And I don't want to hear any words about estimate. There was no estimates brought out at the public hearing and I think Jack mentioned at one hearing here that an estimate. There was no estimate said there. There was no (inaudible). The man



sat right there during the whole thing."

Supervisor Villella: "No, we got-- we got the whole thing and you're absolutely-- the boat was \$51,000 and now for the engine and the boat trailer, they're adding \$13,000 to that. Now, I want to know at the hearing if the engine was included like the way-- I understand that's what you're thinking."

Steve Haizlip: "I'm thinking exactly the way you're-- it was presented-- I learned later the police officer's name was Capt. Hagermiller or close to that-- "

Supervisor Villella: "Yes, close to that. Hagermiller."

Steve Haizlip: "And he showed a picture and that girl, Charlene, I believe she was from the county-- "

Supervisor Villella: "Right-- no, accounting."

Steve Haizlip: "Oh accounting, oh, all right. I'm sorry I thought I heard the county. And her words was 51 and I even asked two or three times \$51,000 and we have to add six. I said it's well worth the investment considering the two guys on Monday went into the drink and it took one guy six hours and this boat soon as it got word could have been out there and I even brought up the point that boats should have some type of communication when they leave these shores. So Capt. Hagermiller said well, that's common sense. I don't know if he means common sense that I'm right-- "

Councilman Cardinale: "I thought all the department heads are supposed to be in the building. All the department heads are supposed to be here."

Steve Haizlip: "-- or common sense without it."

Councilman Kent: "I saw Jack. He went that way."

Steve Haizlip: "But I'm telling you. I don't put no faith in any one now until I found out otherwise. And I think this thing should go back to another public hearing and say we cannot meet that \$57,000 that we agreed on at the public hearing and the picture showed the cost of it and everybody agreed that's what it was. And the Deputy Town Clerk was there and you can question her. And so this is the way I see it. So I'm not putting faith and trust anymore in any

public hearing because they deviate from it and they slip and slide and do all kinds of conniving."

Councilman Kent: "Steve, in looking at the resolution, the boat is \$51,000. What we've added here is an engine. Now I don't know if the engine was included in the 51 to begin with or not. The other cost is \$2,000 and that's for a trailer. Again-- "

Steve Haizlip: "That wasn't brought up, Mr. Kent. That wasn't brought up that it needs a trailer. It was brought up that it was \$57,000 for this boat."

Councilman Kent: "The boat is coming in at 63. The boat and engine are \$63,000."

Steve Haizlip: "Well, if this is going to be added on, then my way of thinking you don't change public hearings after they once been presented and have been closed out. That public hearing was closed that day and then you don't go changing things without another public hearing that we can't meet this and we have to-- "

Supervisor Villella: "Steve, just so on your advice I'm asking the Board to table this tonight."

Steve Haizlip: "I'd certainly like to have it tabled. And if you want to go back to these numbers-- "

Supervisor Villella: "We're going to look at the public hearing minutes again. Because last meeting I went out to look at the hearing and I said you were absolutely right. It's \$51,000. But two engines. Right. There was, there was two engines on that. It was \$71,000, remember?"

Councilman Lull: "The one we had last time."

Steve Haizlip: "Yes, yes. But that was a word that somebody come up with, an option. We don't have options at the public hearing. All right."

Supervisor Villella: "That's what we want to find out."

Steve Haizlip: "Now. Can I ask you about Resolution 867?"

Supervisor Villella: "Sure."

Steve Hailzip: "Now. Is this Mr. Broidy on Edwards Avenue?"

Councilman Kent: "Yes, it is."

Steve Haizlip: "Well, I've got news for you. He ain't going to do nothing. He put a big sign up wants to sell (inaudible) acres and he gives a telephone number down at the bottom. I forget the-- 287--16--18 or something like that. So this ain't going nowhere. I don't-- anything (inaudible)."

Councilman Lull: "We-- Steve, we have our-- we have the procedures we must follow. So we're following this procedure through."

Councilman Cardinale: "But to actually-- "

Steve Haizlip: "Well, I understand, Mr. Lull, I know what town-- "

Supervisor Villella: "I think he's selling it to someone else and this person needs this to go through so they could do something on the property. He's not going to do anything. I think you're absolutely right."

Steve Haizlip: "If he's selling it to somebody else-- I don't want to be argumentative. But if he's selling it to somebody else then-- and he's got a good definite sale, that sign shouldn't go up. So I think he's speculating and saying I've got approval here for a sports complex if he can get a buyer that wants it for that."

Councilman Cardinale: "Yes. It would make you feel better, I think, if you look and see that the special permit use condition is that it shall commence within one year of the date-- so if he doesn't get it sold and used within that year this is not going to be any longer valid."

Steve Haizlip: "All right."

Supervisor Villella: "Any others? Jim?"

Jim Flood: "Jim Flood, Aquebogue. On 852, Grangibel Park improvement capital budget adoption. What-- where is this I think it's \$9,400 coming from? (Inaudible)."

Councilman Kent: "From special trust fund."

Supervisor Villella: "Probably some-- yes, slush fund is what it should be, yes. It could be from grant monies and other funds in there."

Jim Flood: "And what is it for?"

Supervisor Villella: "It's for the fencing around Grangibel Park."

Jim Flood: "For what reason?"

Supervisor Villella: "Oh, geez."

Jim Flood: "If it's coming out-- Vinny, if it's coming out of the recreation fund, there's no recreation in closing the park."

Supervisor Villella: "No, it's not coming out of recreation."

Jim Flood: "Well, how can you tell me it's not coming out of recreation when you don't know?"

Supervisor Villella: "I didn't say I didn't know."

Jim Flood: "Then tell me. Is it coming out of recreation or not?"

Supervisor Villella: "It shouldn't come out of recreation. It has nothing to do with it."

Jim Flood: "All right. Then you're telling me tonight that money is not coming out of the recreation fund."

Supervisor Villella: "It shouldn't come out of recreation."

Jim Flood: "We need to know for sure because you're going to vote on it tonight. And if you are voting on closing the park and using recreation-- the recreation fund was not built-- was not collected so that you can close parks. Now if you listen to your own town engineer, Ken Testa, he would have told you that you could have gotten away with a couple snow fences around the areas that may be dangerous."

Supervisor Villella: "May be dangerous? We just had the DEC in my room today giving us hell because of that. It is dangerous."

Jim Flood: "Not according to your own town engineer. I had a long meeting with him."

Supervisor Villella: "Okay."

Jim Flood: "And he said to me, and these are his words, that there's no reason to close off the park and what he suggested to you he said to me was that you could probably close the bridges and do-- and address the bridges first, the two small bridges, close them, and you'd still have access by means of the land bridge and then, but also use some snow fence around the areas that are eroded near the shoreline. And that's it. That's what you need. Not \$9,400 out of the recreation committee budget in order to close the park."

Supervisor Villella: "Chris, is that coming out of recreation?"

Councilman Kent: "I don't know. This wasn't discussed."

Jim Flood: "You know, before you vote on this, I think you should table it because before you vote on this, you should know what fund this is coming from. What does it say in the recreation-- what does it say there?"

Councilman Cardinale: "It says special trust."

Jim Flood: "What special trust is that?"

Councilman Cardinale: "Well, unless we know that we shouldn't vote on this. You're absolutely right."

Jim Flood: "I think you're right, Phil. Thank you very much. I appreciate that. So is it your intention to table it until we find out?"

Councilman Cardinale: "Yes."

Supervisor Villella: "We would have to."

Jim Flood: "Also on I guess it's RIV's tower, temporary license. How long is that running for, please?"

Supervisor Villella: "Four months from whatever that day was."

Jim Flood: "And within four months, what is RIV expected to do?"

Supervisor Villella: "That's up to them-- "

Jim Flood: "In four months, I mean, are we going to renew them for another four months or does he have to take the tower down?"

Councilman Cardinale: "I think the problem is that the agreement should be attached and it isn't. So I don't understand how I can vote on that either without the agreement being attached."

Councilman Kent: "Yes, there is no agreement in here."

Councilman Cardinale: "So you would know if it had been attached; so would I."

Jim Flood: "You know, that's the reason I have a question is because it wasn't attached."

Councilman Cardinale: "Right. That looks to me that it's not ready for a vote until we have it attached."

Jim Flood: "Thank you. But I'm assured tonight that we're not going to vote \$9,400 out of any budget for this fence until we find out where it's coming from?"

Supervisor Villella: "Is Jack around, anyone?"

Councilman Cardinale: "He went to (inaudible)."

Supervisor Villella: "Okay. How about-- is-- how about Kim. Tell her the 406-- I'll get the information for you."

Jim Flood: "She left at 5:00. Town Board Coordinator."

Councilman Kent: "Okay, is there anything else, Jim?"

Jim Flood: "I'll just wait until he comes back."

Councilman Kent: "No, we're not going to wait until he comes back. You can have a seat. Does anybody else want to speak? Yes, please, come up. You can speak on anything that's on for a vote

tonight, resolutions. Okay, then you want to wait until the end. Go ahead."

Barbara Grattan: "May I? Resolution 844, do you want to take care of that? With the wrong date on it."

Councilman Kent: "Well, 844 is a scoping session. I was going to take that up when we start voting. I guess we're ready to start voting. Do you want to discuss that 844 first though? This was the scoping hearing on Willow Ponds. Do we want to have that during a regular town board meeting, or do we want to have a special scoping hearing session?"

Barbara Grattan: "I have a feeling it was intended to be on the 19th on a regular town board day."

Councilman Lull: "Yes, I think 725-- "

Councilman Kent: "Rick, do you think there's any need to have a special meeting for the scoping hearing on Willow Ponds or can we conduct that during a regular town board meeting?"

Richard Hanley: "I think during a regular meeting."

Councilman Kent: "Okay, so we're going to amend that to October 19th."

Councilman Lull: "The 19th?"

Barbara Grattan: "Yes."

Richard Hanley: "I expect that to be long."

Councilman Lull: "That's just my opinion but-- "

Councilman Kent: "Does anybody else want to speak on any of the resolutions before us? Okay, let's call the first resolution."

#### Resolution #842

Councilman Cardinale: "The-- this resolution approves the elevations of Robert Patchell which I was advised by the Planning Department actually means the exterior facade of the building. I learned a new word, too. So moved. I thought you meant the elevation

of the-- "

Richard Hanley: "The height of the building, yes. The mean sea level."

Councilman Kent: "Elevations are like the cross view from outside."

Councilman Cardinale: "Okay. Understanding that to mean that, I move the resolution."

Councilman Kent: "Can we have someone else second it, please?"

Councilman Lull: "Yes, I'll second it."

Councilman Kent: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; The resolution is adopted."

Resolution #843

Councilman Kwasna: "This authorizes the Town Clerk to publish and post notice of a public hearing. This is doctor's office, it will be Dr. Judy Emanuele in a business like we were talking about tonight, PB on Roanoke Avenue, Riverhead. The public hearing will be held on the 19th day of October at 7:10 p.m. So moved."

Councilman Lull: "Second."

Councilman Kent: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, absent. The resolution is adopted."

Resolution #844

Councilman Kwasna: "This authorizes the Town Clerk to publish and post notice of a scoping hearing on Willow Ponds. The date on that will be the same thing on the 19th day of October at 7:25 p.m. So moved."

Councilman Cardinale: "Seconded."



Councilman Kent: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, absent. The resolution is adopted."

Resolution #845

Councilman Lull: "Yet another October 19th public hearing. Authorize the Town Clerk to publish and post notice for a public hearing Pamela Boyle for a bed and breakfast. So moved."

Councilman Kwasna: "Second."

Councilman Kent: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes. The resolution is adopted."

Resolution #846

Councilman Cardinale: "This resolution authorizes the Town Clerk to publish and post notice of public hearing for William and Carol Rowe bed and breakfast, again, the 19th of October, 7:20. So moved."

Councilman Kwasna: "Second."

Councilman Kent: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes. The resolution is adopted."

Resolution #847

Councilman Kwasna: "Authorize the Town of Riverhead to secure, demolish or remove unsafe buildings or structures pursuant to Chapter 54 of the Riverhead Town Code. This structure is at 447 Peconic Bay Blvd. in Aquebogue. So moved."

Councilman Lull: "Second."

Councilman Kent: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes,

The resolution is adopted."

Resolution #848

Councilman Lull: "Authorizes the Town of Riverhead to secure or demolish or remove unsafe building or structures pursuant to Chapter 54 of the Riverhead Town Code Ellen M. Goldberg, Thomas C. Lupia and Michael T. Marra, 417-425 West Main Street. The hearing to be held-- excuse me, the hearing was held back in April. So moved."

Councilman Cardinale: "Seconded."

Councilman Kent: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes.  
The resolution is adopted."

Resolution #849

Councilman Kwasna: "This appoints the law firm of Frederick Eisenbud as additional special counsel to the Town of Riverhead. So moved."

Councilman Cardinale: "Seconded."

Councilman Kent: "Moved and seconded."

Councilman Lull: "Excuse me, one second."

Councilman Kent: "Discussion."

Councilman Lull: "What was the reason for it?"

Adam Grossman: "This is additional-- the reason that we're looking-- the reason that we are appointing Mr. Eisenbud or considering appointing Mr. Eisenbud as additional special counsel is (inaudible) the SEQRA issues as an alternate to Twomey, Latham, Shea & Kelley."

Councilman Lull: "Okay."

Councilman Kent: "And let me tell you, he is an environmental expert. He used to work for both the county and the state of New York as an environmental attorney."

Councilman Lull: "Yes, I think we talked about him before but I didn't know if there was a specific project in mind or just put him on retainer."

Adam Grossman: "No. Just as an alternate."

Councilman Lull: "Okay."

Councilman Kent: "It's been moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes.  
The resolution is adopted."

Resolution #850

Councilman Cardinale: "This resolution authorizes the establishment of petty cash account for the Riverhead seniors council. It's \$100. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #851

Councilman Kwasna: "This authorizes attendance at New York State Benefits Eligibility & Accounting System (NYSBEAS) Training Program, financial administrator to go to Albany for two days. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #852

Barbara Grattan: "852, Councilman Kent."

Supervisor Villella: "Before we go into this one, I want to explain to Jim that it comes out of the-- it doesn't come out of the recreation fund, it comes out of parks surplus fund, parks and recreation. In other words to maintain the park, which is Grangebel Park."

Jim Flood: "Can I re-address the town board?"

Supervisor Villella: "Excuse me?"

Jim Flood: "Can I re-address the town board?"

Supervisor Villella: "Sure."

Councilman Lull: "Actually before he gets there, Mr. Supervisor, I had already talked to Councilman Cardinale and Councilman Kent about this and I want to express it to you, too. The resolution that we passed to close Grangebel Park the last time in August on the 17th, whenever it was, we passed that resolution to close Grangebel Park for safety during construction and there was no other issue involved there."

We are not beginning construction here-- "

Supervisor Villella: "No, we're not."

Councilman Lull: "-- probably at least until April so it seems to me that this is a-- "

Supervisor Villella: "There wasn't any safety issues in there besides that?"

Councilman Lull: "Yes, there are safety issues. I went over it with the-- with both the BID people and with the town engineer. There are two issues and the-- "

Supervisor Villella: "Because I don't want another knifing there. We had one already, I don't want-- "

Councilman Lull: "No. Well, fencing off the park is not going to keep the knifing out and that's-- yes, the issue is-- there are several other issues here but as far as this is concerned what I really would like to do is I'd really like to talk about this project at a work session and-- "

Supervisor Villella: "All right. Why don't we table it tonight and why don't we have the next work session-- "

Councilman Kent: "Yeah, we should put this on the agenda."

Supervisor Villella: "Put it on the agenda. Who's-- get it on there for the agenda-- tell Kim and get the Business Improvement District here."

Councilman Lull: "Okay, we'll get them in here, we'll get Ken in here and-- "

Jim Flood: "Maybe the police department should also address it, too."

Supervisor Villella: "Oh, yeah, they were there."

Jim Flood: "Because when you close that park, I think it's a slap in the face to the police department of this town also. I think the police department is completely able to control normal courses of events in that park. And you're not going to prevent a child who is unescorted and way under age from drowning in that park when a mother is someplace else. Okay. You're not going to-- and a stabbing that happened there. You're not going to prevent that. It's just going to happen. It happens like this. Two words are exchanged and there's a stabbing. Okay. Unless you frisk everybody going through that park, you're not going to prevent stabbings."

Councilman Lull: "Jim, there are certain areas as you know, we've already talked about this with Ken, but when I walk the park with him there are certain areas that do need to be protected and I think they need to be protected with even a little bit more protection than he is talking about. But outside of those two areas, the down river side of the dam and the footbridge, the plan that we had put together introduces somewhere in the neighborhood of another six-- as much as 6,000 watts of electrical power of lighting into that park and which will light up every single corner of the park which means that even if we don't have a foot patrolman downtown that park could be patrolled by car."

Supervisor Villella: "As long as it's patrolled. Because we have people laying in the woods there and that's what we're trying to avoid. The police will do a good job. I have no problem with that."

Councilman Lull: "If we can light up every corner of the park, that's the key and Ken has been working on a plan to be able to do that."

Supervisor Villella: "It has to be constantly controlled."

Jim Flood: "I would just like to see that closed as a last resort. Of course, when you're well into major construction in the park, I can certainly understand closing off those portions that you're working on. That was Ken's voiced opinion to me."

Supervisor Villella: "Well, I talked on the phone. It's not quite but close. You just took a few words differently he said."

Jim Flood: "But to close it off with a six foot chain link fence is-- "

Supervisor Villella: "We'll work on it. We'll work on it."

Councilman Kent: "I move we table this resolution."

Supervisor Villella: "We did."

Councilman Kent: "No we haven't yet. It's my motion. I move to table the resolution."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded to table."

The Vote: "Cardinale, yes, to table; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is tabled."

Resolution #853

Councilman Lull: "It's a \$475 budget adjustment in the Highway Department. They're low on traffic paint. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #854

Councilman Cardinale: "854 is police emergency boat capital project budget adoption. I move to table for further discussion."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes, to table; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is tabled."

Resolution #855

Councilman Kent: "This is a general fund budget adjustment, several items totaling about \$20,000. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "Yes, I have concern on this. I see that we're moving \$17,000 from appropriated fund balance to police auto."

Supervisor Villella: "We just hired-- we just ordered all the police-- and that's where the fund came from-- excess from one fund we put into the other one."

Councilman Cardinale: "Well, why don't we have it in the police budget to begin with? Why are we taking-- "

Supervisor Villella: "We did. We bought an extra one. We just had-- there was an accident and we had to take care of an extra car."

Councilman Cardinale: "So it had to come out of some other budget? I'm going-- I don't quite understand this and Jack Hansen is not here to explain it so on my theory that I don't want to do budget adjustments outside of the departments without specific understanding of why that happened, I'm going to abstain."

Councilman Kent: "Well, the Chief is here if you want to--."

Councilman Cardinale: "Yeah I'm wondering why we're taking 17 out of a non-police budget for a police purpose. That's what I'm asking."

Councilman Kent: "You don't want to speak about it, Chief?"

Chief Grattan: "I was never told about it by the accounting department."

Councilman Kent: "Okay, so why don't we table it and we should-- "

Chief Grattan: "Probably generated down there."

Councilman Kent: "Okay."

Chief Grattan: "No idea."

Councilman Kent: "Actually, I have a question also. I have a general question. Why are we-- why do we have so many different budget items, Town Clerk tape expense, is that like-- "

Supervisor Villella: "We're taking it from one-- they're allowed to take from one and put it into the other one."

Councilman Kent: "I understand what it's for, but you have individual items such as tape expense, dues expense, forms expense. Can't we just have miscellaneous? I mean do we have to-- "

Supervisor Villella: "We have that, too."

Barbara Grattan: "I have that also. This is tape for the town board tapes."

Councilman Cardinale: "I would ask that it be tabled until we can get explanation of \$17,375."

Barbara Grattan: "Cardinale is to table?"

Supervisor Villella: "Are you tabling the whole thing or are you just going to table that one particular?"

Councilman Cardinale: "Do you want to amend-- I don't have any problem with anything else-- "



Supervisor Villella: "The other ones are all into-- "

Councilman Kent: "Barbara, how much in need are you for these photo supplies for the handicapped? Immediate?"

Barbara Grattan: "Oh, I bought them already, Chris, I had to. I've got people standing there."

Councilman Kent: "We also have on here police bullet proof vests. Are you familiar with this, Joe?"

Chief Grattan: "I don't even-- I haven't seen the resolution. I can't tell you."

Councilman Kwasna: "Well, it looks like we're paying for out of appropriated funds."

Supervisor Villella: "You took it out of police doctor's fees, \$525 and put it into police posters and police bullet proof vests. It's just a line change, it's no problem."

Councilman Kent: "It's within the department."

Supervisor Villella: "It's within the department."

Councilman Kwasna: "But the appropriated fund is paying for the police car and for the safety inspector equipment."

Councilman Cardinale: "Right. And that's the one that bothers me. If we can just take those two out, I'm fine, I'll go with it. That's my point."

Councilman Kent: "Okay. So if we strike the appropriated fund balance at the top from-- and we strike safety inspector equipment and the car-- then we can move this resolution as amended."

Councilman Cardinale: "Then we can-- okay."

Councilman Kent: "And I'll give you the amendment, Barbara."

Barbara Grattan: "Okay."

Councilman Kent: "So moved as amended."

Supervisor Villella: "Is there a second?"

Councilman Cardinale: "Seconded as amended."

Barbara Grattan: "Cardinale and Kent?"

Councilman Cardinale: "Yes, seconded."

Councilman Kent: "Here Barbara."

Councilman Cardinale: "And that's the amendment."

The Vote: "Cardinale, yes, as amended; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #856

Councilman Lull: "Authorizes the Supervisor to execute contract with Suffolk County for downtown revitalization funds. The Suffolk County Legislature has authorized funding of \$2,000,000 for downtown, of that we are applying for \$62,800 and that's to go for-- "

Supervisor Villella: "We already got it, yes."

Councilman Lull: "That's to go for a project such as sidewalk improvement, lighting fixtures, signage and benches, and then goes into a total pot of a project of about \$230,000 with grants from other sources for downtown improvements. So moved."

Supervisor Villella: "Is there a second?"

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #857

Councilman Kwasna: "Authorizes the Town Clerk to advertise for bids for one dual gun airless paint sprayer-- striper, sorry. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "Yes. Is this the one they use on the road?"

Councilman Kwasna: "Yes, I guess they need a new one."

Councilman Cardinale: "They certainly do. If you look at Peconic Bay Blvd., they certainly need something."

Councilman Kent: "Yeah, Edwards Avenue is like that, too."

Councilman Lull: "Check 105."

Councilman Cardinale: "Yes."

The Vote (Cont'd): "Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #858

Councilman Kent: "This authorizes the Town Clerk to advertise for bids for snow plow and spreader parts. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #859

Councilman Lull: "Authorizes the Town Clerk to advertise for bids on liquid calcium chloride. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "What is it? Does anybody-- is that like salt?"

Supervisor Villella: "This mixes in with the sand."

Councilman Cardinale: "Yes."

Councilman Kent: "-- for a non-dairy creamer or something."

Councilman Cardinale: "Yes, I vote yes."

The Vote (Cont'd.): "Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #860

Councilman Kwasna: "We're really getting ready for the season here. Authorize the Town Clerk to advertise for bids for snow fence, stakes, posts and wire ties. So moved."

Councilman Kent: "Mark, are you-- are you (inaudible) these or what?"

Councilman Kwasna: "I made up all these resolutions."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #861

Councilman Cardinale: "This resolution authorizes the Supervisor to execute temporary license agreement with Crystal Coast Communications which license agreement is not attached. I would ask that it be tabled."

Supervisor Villella: "Tabled."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes, to table; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is tabled."

Resolution #862

Councilman Kent: "This authorizes the Town Supervisor to execute commercial sewer district extension certificate of final completion. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #863

Councilman Lull: "863 is the adoption of solid waste management plan, a solid waste management plan which we've developed at the DEC. They have indicated that they are going to approve it so we are adopting that solid waste management plan tonight. So moved."

Councilman Kent: "This is for the closure of the landfill?"

Councilman Lull: "Yes."

Councilman Kent: "I'll second it."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #864

Councilman Kwasna: "864 is authorizing a settlement and purchase of the property at 243 Railroad Street in Riverhead. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "Yes, I understand that we are offering \$50,000. This is part as I understand the revitalization of the-- "

Councilman Kwasna: "You weren't here for this yesterday."

Councilman Kent: "We had originally offered \$45,000, they came back asking for 50. It was discussed that for us to even bring an action in court it would cost us more than \$5,000 so we may as well just offer the-- "

Councilman Cardinale: "What was the appraisal price?"

Councilman Kent: "Forty-five."

Councilman Kwasna: "So we came to an agreement between the buyer and the seller without going to condemnation."

Supervisor Villella: "There's no condemnation."

Councilman Cardinale: "Fine, I understand now."

Councilman Kent: "We're saving the counsel fees."

Councilman Cardinale: "I would vote yes under those circumstances."

The Vote (Cont'd.): "Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #865

Councilman Lull: "Authorizes the town attorney to commence litigation in Supreme Court against the County of Suffolk for the repair of the traffic signal at Northville Turnpike and Route 105. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I have a-- "

Councilman Lull: "It's reimbursement for the repair, sorry."

Councilman Cardinale: "I have a question. I'm looking at a memo from-- to Adam from Laurie Dowd, Deputy Town Attorney. I've been asked to provide legal authority she says for the town to maintain traffic signals on county roads. The town maintains these signals pursuant to agreements between the town and county. I enclose a typical agreement. Basically the county agrees to purchase and install the signals if, and only if, the town agrees to assume maintenance thereafter. If we fail to maintain the traffic signal the county will withhold county traffic funds from the town and do the work itself.

Now, this thing blew down in a storm, right? And so if we are required to maintain it, how do we get out of the reality of the fact that we obviously didn't maintain it if it blew down."

Adam Grossman: "The concept-- the rationale for-- "

Supervisor Villella: "There's two or three other lights in the town that the county owns designed-- "

Councilman Kent: "I think he's asking for a legal opinion. Why don't we-- "

Councilman Cardinale: "Are you saying that the lawsuit that we would be authorizing here is based upon a defect-- "

Adam Grossman: "A defective design in the-- "

Councilman Cardinale: "The way it hangs or something?"

Adam Grossman: "That's correct."

Councilman Cardinale: "Okay. Under those circumstances, I vote yes."

The Vote (Cont'd.): "Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #866

Councilman Lull: "Increases the performance bond of Maidstone Landing, the original performance bond which is on file, \$25,000, has been increased by the Town Board to \$50,000. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "In regard to this, I'm looking at a memorandum from Laurie Dowd again dated September 17th where she asks three question. Does statutory authority exist and is such authority needed for the Town Board to require performance bonds? She answers yes it exists and yes it is needed.

Should the 5% bond for Maidstone be based upon the cost of the land landclearing approximately \$500,000 permit or the total construction 7.5 million cost? She answers the cost of construction has traditionally been interpreted by the Building Department to mean the cost of construction of the entire project, not just the infrastructure. Any challenge to the determination of the Building Department may be appealed to the Zoning Board. Alternatively the code allows the Town Board to waive the code requirements including the amount of bond required.

If the Town Board votes yes on this, they are going under that code provision (inaudible) to waive in individual cases that code requirement. I think that is not the right way to go. I think the right way to go is to determine the issue as to all cases and to apply them all equally because the next guy is going to be asking us to do the same thing. And for that reason, I believe we should vote no on this and I'm going to vote no on this."

Councilman Kwasna: "Also, another-- "

Supervisor Villella: "We're doing another bond."

Councilman Cardinale: "I understand."

Councilman Kwasna: "Another fact that's been brought into it is when the applicant does apply for building permits, he might not apply



for all the building permits at once. He might phase them in a few a month and at that point we wouldn't be asking for the bond money on the complete 7 million dollar project, we'd be asking for the bond money on each individual building permit. Where this is just starting off with the clearing and we're getting 10%. Now they said approximate clearing was half a million dollars and we're getting \$50,000-- "

Councilman Cardinale: "Well, I presume that you intend to insist upon additional money at the building-- but it's not clear what yet."

Councilman Kent: "Well, this says it's to cover land clearing."

Councilman Cardinale: "My concern is not that you're doing anything bad here but that the approach is wrong and that we should not take an individual approach. We should resolve the underlying issue which is if we are going to give a permit, is it on the basis of the construction costs or is it on some other basis? Because otherwise we're going to have to use-- every single case that comes before us we're going to have to make an exception then. That's really all I'm saying."

Councilman Kwasna: "Well, it's just the construction cost. He's not getting ready to-- "

Councilman Kent: "Well, I think this could be somewhat consistent with what Laurie said in her memo. One is that it should be the bond-- the 5% of what's actually being applied for, in this case it's the land clearing permit. So if the total cost of land clearing is \$500,000, you would go 5% of that amount and it's-- specific in the resolution that it's for the land clearing permit only.

The second part of her-- please let me finish and then you can-- the second part of her memo which I think we should make a practice is that we should have some type of document where we are given the authority to enter upon the premises to complete that portion of the work that we're bonding for. So in this case if he doesn't do the land clearing properly we'd like an agreement that we can go do the land clearing, call the bond, and use the money to do the land clearing. But I don't think \$50,000 is going to be enough to do it."

Adam Grossman: "I just want to raise just one other point. And

I think the issues that Phil raises are important issues. But I think probably-- I don't know exactly what they receive in the Building Department on a regular basis but I think more often than not, what they in all likelihood receive is they're looking to have a building permit and a land clearing permit-- they're looking to go in very quickly and so usually you're not going to have a long time period between the land clearing and the building permit dates. So I think there is that other distinction."

Supervisor Villella: "Of course, the other one will probably be about \$360,000 would be the other-- "

Councilman Kent: "Well, they'd probably be asking for release of the land clearing bond and posting an additional \$310,000 for the-- "

Supervisor Villella: "364-- "

Councilman Kent: "The total, yes, would be 364."

Supervisor Villella: "In other words, this is in stages-- but we usually do it all at once."

Councilman Kent: "Unless they're going to phase it in."

Councilman Cardinale: "I understand the argument and I don't think there's anything earth shattering being done if the Board votes this. I just don't think this is the right approach. What we should do is pass a piece of legislation that says that we're going to charge at site clearance 10% of the cost of site clearance."

Councilman Kent: "But I don't think we should-- "

Councilman Cardinale: "Because otherwise we have to do it in every single instance, we have to make this--"

Councilman Kent: "Well, we should make that amendment, we should do that but we can't hold up this applicant because we don't have it in our code."

Councilman Cardinale: "But every other applicant we've asked for 10% of the construction costs. So why are we giving this guy a break?"

Councilman Kent: "You know, if they bring it in in phases though, it's the same thing. They phase it in, you get separate-- "

Councilman Cardinale: "You mean if they have filed maps and they have-- "

Councilman Kent: "Yes, correct, yes."

Councilman Cardinale: "But this isn't-- this is one map."

Councilman Kent: "I don't even think he's got a filed map yet."

Supervisor Villella: "No, he hasn't even done that yet."

Councilman Cardinale: "This is one project?"

Supervisor Villella: "Yes."

Councilman Kent: "All he's seeking is land clearing at this point. He's not going forward with-- "

Councilman Lull: "You don't know that he might bring a phase-- "

Councilman Kent: "He might bring a phase-- "

Councilman Cardinale: "I don't have such a big problem with where we're going here. I just-- it seems to me that this is the approach that we shouldn't be taking-- we take all the time, we look to the individual case instead of making a general rule that will apply in all instances. Because we're going to be revisiting this on the very next project when some guy wants to do site clearance."

Councilman Lull: "Not if we do something about it-- "

Councilman Cardinale: "In the interval."

Councilman Lull: "In the interval."

Supervisor Villella: "That's what we were saying-- "

Councilman Kent: "But I think you-- I don't believe he has a condominium map filed yet. Does he?"

Supervisor Villella: "No."

Councilman Kent: "All that he's requesting is site clearing on a piece of property."

Supervisor Villella: "We were going to get him on the second phase when he picks up the-- he can't even do anything with the building permits until we come up with that other sum that we're talking about."

Adam Grossman: "And, in fact, what Chris mentioned before about requiring that they have an agreement that's filed with the town, that can be part and parcel of the same code change."

Councilman Cardinale: "Yes, if we used her memo, those two points could be-- "

Supervisor Villella: "Right. But we talked about this yesterday and also the ZBA-- "

Councilman Kent: "That's the appropriate mechanism."

Supervisor Villella: "Maybe you want to-- "

Councilman Kent: "If you're dissatisfied with the Building Department decision."

Councilman Cardinale: "It shouldn't be overruled by us; it should be overruled by the ZBA. But in any event for the reasons indicated, I would still vote no basically on the basis that this is the wrong approach."

The Vote (Cont'd.): "Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #867

Councilman Cardinale: "867 is approves the special permit of the Riverhead Sports Complex, with conditions. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #868

Barbara Grattan: "Resolution 868 is to pay bills."

Councilman Lull: "So moved."

Supervisor Villella: "Is there a second?"

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution to pay bills is adopted."

Resolution #869

Barbara Grattan: "Resolution 869 is creating the Peconic River Greenways Acquisiton Program Committee. Councilman Kent."

Supervisor Villella: "Are we going to do that one or are we going to do-- okay."

Councilman Kent: "So moved."

Supervisor Villella: "What about the tabled-- "

Councilman Cardinale: "What about 664?"

Barbara Grattan: "We'll get to that."

Councilman Cardinale: "Okay. 869 is this one? Creates Peconic Greenways Acquisition Program offered by-- "

Barbara Grattan: "Kent."

Councilman Kent: "So moved. I already offered it."

Councilman Cardinale: "Seconded by?"

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #870

Barbara Grattan: "Resolution 870 is authorizes the release of certificates of deposit of Reinhold Stoll (Stoll Associates). Councilman Cardinale."

Councilman Cardinale: "Yes. I would offer this and note that it authorizes the release of the CD but their substitution by official check and letter of credit. So moved."

Supervisor Villella: "Second?"

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #871

Barbara Grattan: "Amends site plan of Larry's Lighthouse Marina. Councilman Kent."

Councilman Kent: "This amends the site plan of Larry's Lighthouse Marina. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #872

Barbara Grattan: "872 approves the site plan of Gemini Realty. Kwasna."

Councilman Kwasna: "So moved."

Councilman Kent: "I'd like some discussion on this."

Councilman Lull: "I'll second it. Rick?"

Supervisor Villella: "Discussion."

Rick Hanley: "Yes, this site plan involves an expansion of an existing industrial building on Kroemer Avenue. It's a contractor storage yard type building with overhead doors, masonry construction and they propose an expansion of the building as well as the parking area. We've had some problems with this particular plan in terms of trying to convince the owner to suitably screen an area where he's storing materials and I think we've got to that point."

We have marked up the site plan to show screening of that area where he's storing outdoor-- "

Councilman Kent: "It's right next to the day care center."

Rick Hanley: "It's far removed from the academy."

Councilman Cardinale: "Do you recommend approval?"

Rick Hanley: "Yes."

Councilman Cardinale: "Thank you."

Supervisor Villella: "Okay is there-- is it moved and seconded? Okay, moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #873

Barbara Grattan: "Approves the site plan of Meszaros temporary greenhouses. Councilman Lull."

Councilman Cardinale: "We just did that one."

Supervisor Villella: "No."

Councilman Cardinale: "I was looking at the wrong one. Okay."

Councilman Kent: "Is that a cell phone?"

Councilman Cardinale: "Who's offering this one?"

Councilman Lull: "I did."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "You recommend approval-- "

Richard Hanley: "Yes, these are hoop houses being proposed for agricultural parcel on West Lane in Aquebogue. We had amended our ordinance a number of years ago to require site plan approval for temporary greenhouses as opposed to building permits and we recommend approval of this-- "

Councilman Cardinale: "Could you give me just an aside here? One sentence description determining what a temporary greenhouse is? Is it in our code?"

Richard Hanley: "They are hoop houses which are plastic typically with a foundation area, not a full foundation in terms of foundation floor with a footing, but essentially the hoops themselves are plastic, are kept anchored to the ground through a concrete foundation and then the plastic is stretched over them."

Councilman Cardinale: "And that's what this is, right?"

Richard Hanley: "Yes, and they're typically removed in the winter season."

Councilman Cardinale: "Thank you."

Councilman Kent: "On slabs?"

Richard Hanley: "They're not slabs. They're-- essentially the hoop is anchored in a (inaudible) tube or some other kind of concrete-- it's not a linear footing though. It's where the hoop is. They



are, in fact, temporary."

Supervisor Villella: "The next one is the tabled resolution."

Councilman Cardinale: "We have to vote on this one."

Barbara Grattan: "It's been seconded."

Supervisor Villella: "Moved and seconded."

Barbara Grattan: "Now we are going to call the vote."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Barbara Grattan: "Now we are going to do Resolution #664 which approves the hiring of Nelson, Pope & Voohris, LLC-- the tabled resolution."

Rick Hanley: "I don't know that I ever got the Board the actual language that we need on this." Maybe we should talk about it. I think the intent was to table it because we wanted to make this exclusive only to a particular-- "

Councilman Kent: "Specific."

Supervisor Villella: "Yes, specific to this one."

Rick Hanley: "I don't know. Did I ever get that done?"

Barbara Grattan: "No."

Rick Hanley: "I remember writing it out but I don't remember-- "

Supervisor Villella: "No. We could amend it here."

Rick Hanley: "We should amend it to-- specifically or the contract would be exclusive to the review of a subdivision known as Pumpkin Farms, Map of Pumpkin Farms."

Councilman Kent: "So after rate schedule, we'll just add for the-- "

Rick Hanley: "For the subdivision review of the Map of Pumpkin Farms."

Councilman Kent: "For the express purpose of-- "

Rick Hanley: "(inaudible) and to make him do his change in the name of the map."

Barbara Grattan: "Who's going to do that resolution?"

Rick Hanley: "I think we're doing it now. Are we amending it now?"

Supervisor Villella: "Yes."

Barbara Grattan: "Amend it?"

Councilman Kent: "It's the subdivision application? Is that what it is? Application of-- "

Rick Hanley: "Major subdivision application of Edward Broidy for the map of Pumpkins Farms."

Councilman Kent: "Edward Broidy?"

Rick Hanley: "Broidy. B-R-O-I-D-Y."

Councilman Kent: "Where is this? On Edwards Avenue?"

Supervisor Villella: "No."

Rick Hanley: "No. This is on West Lane in Aquebogue."

Councilman Kent: "Edward Broidy entitled Pumpkin Farms?"

Rick Hanley: "Map of Pumpkin Farms. Same individual."

Councilman Kent: "Okay. So I'll move it. What do we have to call it off the table and move it separately? I'll bring it off the table. So moved."

Supervisor Villella: "Is there a second to take it off the table?"

Councilman Lull: "Second."

Supervisor Villella: "Seconded by Jim."

The Vote: "Cardinale."

Councilman Cardinale: "Is there-- "

Rick Hanley: "No this is the one Mr. Raynor has to recuse himself."

Councilman Cardinale: "I recall the discussion and also Bill Kasperovich's comments which I'm happy to-- I would otherwise vote yes having heard them. However, there's no rate schedule attached to this. Is this-- "

Councilman Kent: "Oh there was originally."

Councilman Cardinale: "Is there a typical-- is the rate schedule the same as-- "

Rick Hanley: "Yes. It's the same as the tabled resolution."

Councilman Cardinale: "All right. Yes."

The Vote (Cont'd.): "Kent, yes, bring it off the table; Kwasna, yes; Lull, yes; Villella, yes. The resolution is brought off the table."

Supervisor Villella: "Let's bring it on now."

Councilman Cardinale: "Now the vote. I'll move it for a vote."

Barbara Grattan: "Is there a second?"

Councilman Lull: "I'll second it."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent."

Councilman Kent: "Inasmuch as Mr. Kasperovich is not here, I'll vote yes."

The Vote (Cont'd.): "Kwasna, yes; Lull, yes; Villella, yes.  
The resolution is off the table and been approved."

Supervisor Villella: "That's it for the resolutions. Okay.  
I've got some cards here. Mr. Schuster."

Milford Schuster: "My name is Milford Schuster and I live on Crystal Drive in Aquebogue (inaudible) the flood problem we have in our area. What we have here is a (inaudible) of 62 people that live in the area, both on Church Lane and also in the Crystal Pines community and we consider the problem to be a potentially dangerous situation. When raining, there can be severe flooding on Church Lane by Crystal Drive. This impedes traffic significantly on Church Lane and Crystal and at times it's impossible to pass through it at all as the water height exceeds a level that's safe to pass through.

When this occurs lawns also are flooded and rerouting is impossible. It would be negligent to ignore the situation and we the concerned signers in the petition want this urgent matter to be rectified as soon as possible.

The height of the water in that area, it goes to as high as the floorboards in cars. This past summer even with the drought, we've had four different situations where the road is flooded. You can't just-- you cannot get in let's say with fire or emergency vehicles when you have this type of condition. Also, people in the community are held captive to that flooded area. Because that's a dead ended community.

It's also-- the area is a school bus stop. I've had some discussion with the school district about that, whether that's wise considering you don't know when you're going to have a flood in that area."

Councilman Cardinale: "What's the precise location of-- you're speaking of, Mil?"

Milford Schuster: "Crystal Pines and Church Lane."

Councilman Cardinale: "That's the entrance?"

Milford Schuster: "I mean Crystal Drive and-- "

Councilman Cardinale: "The entrance there?"

Milford Schuster: "That entrance point."

Councilman Cardinale: "Does anyone know anything about this?"

Adam Grossman: "Yes. It's in litigation."

Supervisor Villella: "That's what I thought."

Councilman Cardinale: "I was going to ask about that."

Supervisor Villella: "We are in litigation with the owner."

Adam Grossman: "With the developer. I can't give a precise status as to exactly what-- "

Councilman Cardinale: "Which developer? It's Crystal Pines or is it the new guys, the guys that really develop there?"

Adam Grossman: "I don't remember, Phil, but I'll be happy to give you that information."

Councilman Cardinale: "Yes, I'd like-- there was-- as you know, there was an initial developer who went under and that's probably who we're suing based upon the usual practice. And then there was a guy that took it over which was the guy that has the grape vineyards, also he's an attorney. What's his name? No, no, not Luis. McGary (phonetic). And he never posted-- I don't believe he ever posted a bond. He did a nice job finishing the subdivision but the bond had expired so we have another expired bond situation but we're apparently aware of it and it's in litigation but I'm curious as well as to where they're going and the town attorney will give me a report and we'll let you know."

Adam Grossman: "Yes. (Inaudible)."

Councilman Cardinale: "All right."

Milford Schuster: "What impact does that have on getting the problem taken care of?"

Councilman Cardinale: "Well, it means that-- where's the flooding occurring? First of all, are those roads public roads?"

Councilman Kwasna: "Let me explain to you. We did have a bad

flooding problem on Church Lane years and years ago before the new development was built."

Milford Schuster: "Right. I understand it used to be a creek."

Councilman Kwasna: "It's very-- you dig a couple feet and you hit water in that area. They did put in some drainage rings there and the problem had been taken care of until the new development was built. The water now in the development is coming out onto Church Lane and causing the problem all over again. I mentioned-- I think we had the Town Engineer-- well we had talked to the Town Engineer to go up and take a look at it and see if there's anything we-- any way we could remedy it while we are in litigation and I think the work is going to have to be done in the development itself to remedy-- "

Councilman Cardinale: "Are those roads dedicated yes, Adam, do you know?"

Adam Grossman: "I don't believe so. If they were, we-- "

Councilman Cardinale: "Yes, the roads are still private and there's the problem and what the Town's doing is they're suing apparently the previous developer but that doesn't help you."

Supervisor Villella: "We're suing, we're trying to rectify your problem which it's going to take time. It's not helping you out here. I know it's a problem there."

Adam Grossman: "And all I can say-- "

Milford Schuster: "We have people that can't get to work at times."

Councilman Cardinale: "That's a pretty big problem."

Adam Grossman: "Yes, and we're trying to work-- "

Milford Schuster: "Are you telling me that Crystal Drive is not a town road?"

Councilman Cardinale: "Yes, that's what he's telling. Those roads-- not as of yet. They haven't been offered for dedication."

Milford Schuster: "Then we were totally misrepresented on the

sale of the houses then, too. Because I was told that the land-- that those roads were dedicated and the town had taken them over."

Adam Grossman: "Sir, what usually happens and I can't entirely say that this is the case with the development that we're referring to. What often happens is that the homes are purchased by purchasers like yourself and usually in the same time period the roads are dedicated to the town. In order for the town to accept dedication of the roads, there has to be certain criteria in terms of width-- "

Supervisor Villella: "They have the width there. It's wide enough that road."

Adam Grossman: "And what happens is if a developer walks away, the only way in which the town has an ability to complete the project is with the performance bond that's in place. For whatever reason, this (inaudible) work, which is one of the reasons why we changed the system here in Town Hall, gotten rid of performance bonds and replaced them with letters of credit. In many cases the bonding company didn't honor the obligation and we had to bring them to court, maybe they went bankrupt. I'm not exactly sure what the situation was (inaudible) in more detail. But apparently the developer did not complete the work that they were supposed to do and that's why we're in litigation."

Supervisor Villella: "Excuse me. Was the last layer of asphalt-- was that laid down?"

Milford Schuster: "From what I understand the road surface is not what it's supposed to be, and it should be-- that it's supposed to have another coat on it. This is what's indicated-- "

Supervisor Villella: "So then it's not-- "

Milford Schuster: "I'm not a road surface person."

Supervisor Villella: "We'll check into it."

Milford Schuster: "But I also understand in conversations with your building-- your road department, that that road was inspected and accepted in the condition it's in."

Councilman Cardinale: "That was just what he was saying. We have to look into it. That may be the case and if that's the case,

that's better because then if we've accepted it, we have to immediately take some action."

Milford Schuster: "It also was indicated that was the basis for release of the performance bond to the developer."

Councilman Cardinale: "Assuming that state of facts, then the Town Engineer should do something quickly over there."

Supervisor Villella: "Why don't we set up a meeting here? We'll have the Town Engineer. I also want to get Laurie, Adam-- "

Adam Grossman: "We'll get Laurie and myself."

Supervisor Villella: "The Town Attorney and myself and see what we can do with that."

Milford Schuster: "Will it be (inaudible) for me to be there or not?"

Adam Grossman: "Why don't you give me-- I don't want you to do it on the record, but if I could just take your telephone number-- "

Supervisor Villella: "Get in touch with you and let you know exactly what's going on with that."

Milford Schuster: "That would be fine. Do you have a card-- "

Supervisor Villella: "Yes, we'll take-- right here. Go out there and get the phone number for me."

Councilman Cardinale: "Would you put your phone number on that for the town attorney?"

Supervisor Villella: "Yes, we have a few more here. Patricia Holland."

Unidentified: "I'm here to talk about the water, too."

Councilman Kent: "You want to talk-- same issue? We'll look into it."

Unidentified: "Yes."



Supervisor Villella: "I'm sorry, Patricia."

Carl Janlewicz: "I'm Carl Janlewicz from Aquebogue."

Supervisor Villella: "You were next, okay."

Carl Janlewicz: "I'm not worried about Crystal Pines, I'm worried about my yard, it's get flooded every time. It rains heavy it floods right-- 100 feet of water comes right through my yard, every time. This here-- and in August, three times it flooded. The driveway gets all full of mud and you've got to clean the damn driveway and the lawn gets all-- when you cut it nothing but dust comes out of there. All kinds of junk and weeds and everything comes in my yard. This has been going on for a long time."

And then when they put the drains in there, they put all (inaudible) in there, maybe about 10 of them. It's 3 by 3 by 3 feet deep with no bottom, there's nowhere for the water to go. It's half full of water right now and it hasn't even rained, they're full of water. But a waste of money. The only drain that is coming for my yard, is for the pipe (inaudible). And it's only maybe 18 inches, 20 inches. It can't take the water fast enough. The water comes down all the way for a mile down the road. All the way down Church Lane. And once you get to my yard the drain can't take it and it goes right through the yard."

Supervisor Villella: "But those other drains that you were talking about, they're only three feet?"

Carl Janlewicz: "Yes, 3 by 3 by 3 deep."

Supervisor Villella: "On that card, just write down for Ken to look at it."

Carl Janlewicz: "(inaudible). Are you going to do anything about it?"

Supervisor Villella: "We're going to have the engineer to take a look at it, yes."

Carl Janlewicz: "Well I talked to the engineer, said he'd come down last time, too, but he was supposed to see me, nobody come talk to me. I even took a picture and showed it to him."

Supervisor Villella: "Because I have a list of the drainage that we're going to be doing. Let me see if that's one of them."

Carl Juglewicz: "(inaudible)."

Councilman Kent: "Okay, thank you. I'll-- okay, go ahead, Patty-- no, please, can you-- oh, are you going to hand it in?"

Councilman Cardinale: "Oh God, who's here? Look who's coming? Kasperovich is here. Early for the 7:00 meeting. I kid you now."

Councilman Kwasna: "Nobody told him it was in the afternoon."

Patricia Holland: "My name is Patricia Holland from Sound Shore Road in Riverhead and what I've just handed is copies of a letter I sent to Highway Superintendent Bloss and a copy to Supervisor Villella. I've been in contact with the Highway Department for a while because of a problem on my road and it's not as obviously severe as these poor people. This is only my problem. And I ran into Supervisor Villella in the post office about a month and a half ago and I asked him at the time is there any way I could force the issue and force the Highway Department to do something about my problem. And he suggested that I write to them and say I now know that the bond issue has been passed so that money is available and to cc it to him. And I did along with a polaroid picture of this puddle which is 55 feet by 8 feet wide and in my driveway and I sent a copy of the same polaroid to Supervisor Villella. And I haven't heard yet from the Highway Department and right now if we have-- after this supposed hurrican thing another 55 foot puddle. Even in the drought I had a puddle and with the epidemic now with the supposedly encephalitis thing, I don't need that on top of (inaudible). I don't need encephalitis."

I'd like to know how I can get something done."

Councilman Kwasna: "I believe-- the Supervisor just went out to check his list-- but I believe that your problem is also on that list on Sound Shore Road. There is-- you said you've driven all the way up and down the road and you're the only one with a puddle. There is one drainage job that's going to be done on Sound Shore Road. We'll check into it and make sure it's yours."

Patricia Holland: "Okay. Because even when I did-- "

Councilman Kwasna: "I remember seeing it on the list."

Patricia Holland: "Even when I did hear from the Highway Department last year, it was on my side of the road they would put a drainage ditch but from what I just heard from Vector Control said there should be one on the other side as well because I'm on the north side, a lot is coming down out of the North Fork Preserve. So can I contact someone to find out?"

Councilman Cardinale: "Yes, the Supervisor has got the list in his hands. Maybe you could check with him that your project is on it. Thank you."

Patricia Holland: "Okay."

Councilman Kent: "Constance?"

Constance Lague: "My name is Constance Lague and I also live in Baiting Hollow. Unfortunately I couldn't speak to you about the tower before because I was (inaudible)."

Another situation that's been happening in Baiting Hollow is that a lapse of 40 days has occurred and I have also spoken to several members on the Board on this situation that we are going to address it further. But there's something that I'd like to present to everybody. I think (inaudible) public meeting. We should know what's going to be put in our neighborhood next to our homes, next to our children. Why aren't we informed? It's only on a work session of an agenda, part of the agenda never even said where the house at Maryhaven was going to be on the front sheet of the agenda. Is there something that we can do that the public and the community is made aware of these homes?"

Councilman Cardinale: "As you know, we have discussed this and I think what Tina-- right-- "

Constance Lague: "Connie."

Councilman Cardinale: "Connie. Connie, what we discussed was that here's the issue. Maryhaven-- as you know, when developmentally disabled people want to have a house, we get a notice along with-- I'm looking at it-- along with the rest of the world."

What we routinely do as I understand it, is we discuss it at a work session, we look and we see if there's a concentration in the

area and then take action or not action. What I think you're-- "

Constance Laque: "Let me just interrupt you for one second. It's labeled as Baiting Hollow. According to my post office, I live two doors down. I'm considered Calverton. We already have two homes in the Calverton area and if there is a consideration of time frame and saturation to the community, I expect that we should know what that saturation is considered. Nobody has that answer for me."

Councilman Cardinale: "Exactly. I think we kind of brought it down to three issues. One, should there be some sort of a notice to the public at large when we receive these letters so that-- maybe a scheduling of a public hearing so that the people could come in-- "

Constance Laque: "Because right now there's actually 20-- I think 28 on the tax free payrolls at the present time, not including the rental homes that house these type of people in that kind of home."

Councilman Cardinale: "The second question that Connie and I discussed is that saturation is the criteria, you know, that's the only thing you can stop them with. We need to get a working definition of what saturation means. Does it mean three houses within Calverton area, does it mean four? What exactly does it mean? That's probably been defined by case law."

And the final thing I think we discussed was when they say that a developmentally disabled group is coming in, six bedrooms, six people, two in wheelchair, four without, what is the definition of developmentally disabled? It's unclear. You were talking about your concern that that could include addictive-- "

Constance Laque: "Another thing with the letter from Maryhaven, originally it was developmentally disabled adults and elderly was the exact wording in the first letter given to you. In a letter after the 40 days had lapsed, in that letter it said school aging. So what is school aging? Am I dealing with 19 to 25 year old addicts or am I actually dealing with somebody that's developmentally disabled from birth?"

Councilman Cardinale: "Yes, I know the wording that you were looking at because I saw it, too. They indicate that they are aged out of their schools and they have to go to residences."

Constance Laque: "But that was not the original letter that was sent to the town."

Councilman Cardinale: "I think you-- besides the notice issue and the issue of when is saturation reached, you need to know what kind of people they're talking about placing in these homes."

Constance Laque: "Correct. Because Maryhaven I got trained for when I was training to be a nurse. They take anything from a paranoid schizophrenic all the way to addictions to mental illness. I would like to know what severity is going to be in that home. Being that there is no sidewalks, there is not even enough room to ride a bicycle on the road. There is no public transportation on that road. So I just wanted to know what the justification was for a facility, not just, you know, saying that it was okay to buy it."

Councilman Kent: "We do have buses that come along Sound Avenue. There is some public transportation. That's okay. I mean, I'm not arguing against you."

Constance Laque: "Well, the public transportation actually now, I'm sorry, now there is. There never used to be. But now there is some type of public transportation. But as stated also in the letter, it said a privately owned vehicle. Is it going to be one vehicle? Is it going to be six vehicles?"

Adam Grossman: "Connie, I just want to raise a point in addition to what Phil had brought up. I just wanted to make sure that a point is sure because of what we can do and what we can't do."

Constance Laque: "I understand the New York State Mental Hygiene Law."

Adam Grossman: "Okay. Whether it be a drug addiction, whether it be a developmentally disabled-- regardless of what the classification is, whether it be one or the other, our limitations are the same in terms of-- unfortunately in terms of the law."

Constance Laque: "I know because the New York State Hygiene Law also protects sex offenders. I do also know that once they get into the (inaudible). I understand that."

Adam Grossman: "So I just wanted to put on the record and make sure you understand-- "

Constance Laque: "Oh, no, I understand the laws perfectly."

Adam Grossman: "And your frustrations are-- "

Constance Laque: "But my frustration comes from the lapse of 40 days (inaudible) proceed with no public town meeting. Others have gone to a town meeting. I don't know why this one did not. It's classified as Baiting Hollow. If I'm considered Calverton, so is that. There's two other homes there. Why wasn't there anything done and being that there wasn't anything done, I think for future sake, for our community, for our children, for our elderly, that they need to be comfortable in their community."

We have plenty of rental homes in this community besides the ones that are actually listed. And I think that if our town is supposed to come first then these type of homes need to be considered in our communities and our residential should have a say so on what goes in their homes and around the home."

Supervisor Villella: "We're going to set up a meeting on-- it is Gail?"

Constance Laque: "Yes, I know we have a meeting. I did-- but I wanted to-- "

Supervisor Villella: "I want to tell Chris, make sure-- "

Councilman Kent: "Yes, I know about it."

Constance Laque: "Wednesday, the 29th at 2:30."

Councilman Cardinale: "I just want to go back to something that Adam said. Adam, am I to understand that all the letters we get from Maryhaven or from other groups indicate developmentally disabled adults. Am I to believe, therefore, the term developmentally disabled adults includes addictive personalities and sex offenders in this state?"

Adam Grossman: "I can't speak on that-- "

Councilman Cardinale: "If that's the case, that is a cause of some concern."

Supervisor Villella: "Yes, it shouldn't-- absolutely-- it

should be-- if it's like ADD, IGHL, something like that."

Constance Laque: "The problem is when they become encumbered in the New York State Mental Hygiene Law. What happens is any priors to that, they are protected by the law because they are covered under the New York State Mental Hygiene Law. If you would have told me you were putting in ADD and IGHL or an AHRC next to my home, I would have no problem with it. Maryhaven works very close in conjunction with Seafield and I have a problem with that because we're not even-- it's not even our community people that are utilizing these places. Because these people are coming from the Bronx, they're coming from Brooklyn. I was in Seafield, my sister-in-law needed that help. I was there. These people are from all over.

And all they have to do is take an IQ test, make sure they have no high school diploma, if they're low enough, they qualify for developmentally disabled residential housing."

Councilman Cardinale: "Regardless of what their prior history is, being addictive or sexually disruptive."

Supervisor Villella: "Can we get some state code on this to look into?"

Councilman Cardinale: "Well, I think the one thing, Vinny, that we can address at the town level is whether when we get these letters, we presently have-- we do not schedule them for public hearings. We could do that."

Supervisor Villella: "We should do that."

Constance Laque: "I think we should do that for the community sake, for residential areas, that we should be able to-- "

Supervisor Villella: "Because we had a work session but that didn't help our the residents."

Constance Laque: "Right. And the front of the work session on the agenda did not specify that it was Baiting Hollow. I do know."

Councilman Cardinale: "Calverton it said?"

Constance Laque: "Yes. It's listed as Baiting Hollow but it's actually considered Calverton."

Councilman Cardinale: "I see."

Supervisor Villella: "Actually that could be a way out then because they have so many saturated-- "

Constance Laque: "Yes, I spoke to a lawyer-- "

Supervisor Villella: "And he seemed to think the same way? Is there anything we can do in the meantime? Are they doing anything on the property?"

Councilman Kent: "They put in a foundation already, I believe."

Constance Laque: "They already poured a foundation yesterday."

Supervisor Villella: "Well, then we could do something about the type of people that are in there."

Constance Laque: "A lot of times they're covered by the New York State Mental Hygiene Law. They are not allowed to disclose (inaudible)."

Supervisor Villella: "Okay, all right. All right."

Councilman Cardinale: "Unless the notice is defective, yes."

Constance Laque: "And I just hope that something would be done in order to change so the public is made aware of these things. Because you don't know what classifies developmentally disabled. That's from soup to nuts."

Supervisor Villella: "You're absolutely right."

Constance Laque: "And I think that if that's going to be next to me in my backyard, in my community, I should be aware of it. I think the town, the residents of the community, have the right to be aware. Because you don't know what developmentally disabled-- I could have a paranoid schizophrenic which was a sex offender prior to going into that but never be told because they are protected by the law. So there's all different situations but I really think it should be addressed. I mean you have a right to know. I thank you."

Supervisor Villella: "Thank you."



Councilman Kent: "Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. You know we spent \$10,000 from this town to get Peconic County and we made trips to Albany. We had all kinds of luncheons and talked about it but did you know on September the 16th in the News Review, page 11A, suddenly the town of Riverhead is now a county? Vinny, you got promoted. You are now the executive of Riverhead-- "

Supervisor Villella: "Well, that would be good. This way they can't dump on us anymore."

Steve Haizlip: "But, now this came about, this here indicates to me when these legal notices go in, and they become a permanent document of whatever they're addressing because whatever they're addressing in here should be on that document. In this particular case, I don't think anybody read it in the town, what they're doing here, this here lawyer, Mr. Warren and Mr. Halpern (phonetic). I talked with Mr. Halpern yesterday on the phone and I couldn't talk with Mr. Warren this morning but I talked to his secretary. They've got a piece of land for a house, \$69,000. It's on Maple Avenue and Tyler over in Flanders. And he's-- wait a minute-- "

Supervisor Villella: "I know what you're-- "

Steve Haizlip: "And he's selling it off of your front steps. Now, you don't have no (inaudible) on that man's house over there."

Supervisor Villella: "You know why? Because they have no post office there so their address is Riverhead even though it's in the town of Southampton."

Councilman Kent: "It should have been on the town of Southampton steps."

Steve Haizlip: "Yes."

Supervisor Villella: "Throw it on their steps. Did you tell them?"

Steve Haizlip: "I called up-- I talked to the secretary, she says that she is going to tell him but I didn't get nothing about it. But-- "

Supervisor Villella: "Okay. It's good that you picked that up."

Steve Haizlip: "It should be the county of Suffolk, not Riverhead."

Supervisor Villella: "Are there any other?"

Councilman Kent: "Any other speakers?"

Supervisor Villella: "If not-- "

Steve Haizlip: "Oh, yes, I think I got a word, I haven't seen (inaudible) in the paper. But there's going to be (inaudible) on October the 2nd?"

Supervisor Villella: "There's a press release going out tomorrow. Or it might even went out this afternoon."

Steve Haizlip: "Oh, all right."

Supervisor Villella: "Meeting closed."

Town Board meeting closed: 6:45 p.m.

*Barbara Stanton*  
Town Clerk